

3 Acquitted Of Rape Charge

Two men and a youth were acquitted on Saturday by a Supreme Court jury of having ravished an 18-year-old girl without her consent.

They are Cecil Edward Twaddell, 22, painter, of MacGregor Street, Deakin, Robert Allan Hebditch, 21, driver, of Matina Street, Narrabundah, and Kevin Bruce Phillips, 19, chainman, of Rodway Street, Yarralumla.

Twaddell, Hebditch and Phillips were charged with having, on July 14 at Canberra, ravished and carnally known an 18-year-old girl without her consent.

They pleaded not guilty.

The verdict, which was returned after a retirement of 75 minutes, was greeted with loud handclapping by people in the public gallery.

No Injury

It was the first criminal trial held on a Saturday in the Supreme Court of the A.C.T. and was the Territory's longest criminal trial taking five days.

The previous longest trial was four days for the trial of Daniel Norris Nicholls on a charge of murder.

In his address to the jury, Mr. J. W. Smyth, Q.C., (for Phillips), pointed out the complete absence of any injury on Twaddell, Hebditch, and Phillips.

Mr. Smyth said there was not the slightest mark on any of them and that if the complainant had been fighting

plainant had been fighting like a wild cat as claimed, there must have been some mark or indication.

When the girl arrived at the hostel and was seen by Mrs. Haines, the resident director, she was perfectly composed.

If the girl had gone through the experiences she described, it would be imposing too much on one's credulity to suggest that she was able to come home perfectly composed and not showing the slightest indication of being upset.

Evidence had been given by an 16-year-old girl, who shared a room with the girl at the hostel, that she (complainant) had said she "put the boys in" because Mrs. Haines saw her come home.

Shocking

This meant that if Mrs. Haines did not see her and she was able to get in the hostel without being seen, Twaddell, Hebditch, and Phillips would not be in the dock.

Mr. Smyth referred to the evidence given by the girl and said it had been proved that she was a liar. She had admitted under cross-examination that she was prepared to lie when it suited her.

It would be a shocking thing that the lives of young men should even hang in the

thing that the lives of young men should even hang in the balance on testimony such as that given in the case.

Mr. J. S. Cripps (for Twaddell and Hebditch), said there was evidence that the girl was a self-confessed liar and a promiscuous girl who, on her own statement, would not hesitate to tell a lie when it suited her purpose.

The girl was confronted with the problem of having to explain to Mrs. Haines why she left church and, having left church, took such a long time to return to the hostel.

She had to give a good reason to convince Mrs. Haines and a story of being abducted from church and raped suited her well.

Any sympathy which might have been felt for the girl was dissipated when she left the witness box.

Mr. A. Watson, prosecuting, said the issue between the Crown and the accused was whether they had intercourse with the girl without her consent.

Intercourse did occur and the question was whether she consented freely and willingly or whether she submitted as a result of threats, terror, or force. It did not matter whether the girl was virtuous or not.

After referring to the testimony given, Mr. Watson told the jury that its verdict must be based on the evidence adduced in Court.

Summing up, Mr. Justice Dunphy dealt with the law regarding rape and said that consent must be given willingly and freely. Submission to an act of intercourse obtained by threat, terror, or force was not consent.

Mr. Justice Dunphy reviewed at length the evidence which had been given for the prosecution and the defence and which he considered

prosecution and the defence and which he considered most relevant for consideration by the jury.

Twaddell, Hebditch, and Phillips did not give evidence, but each made a statement from the dock protesting innocence and claiming that the complainant was a willing party to all acts of intercourse.

They said complainant did not at any time refuse consent to what took place.

[The report of this case in Saturday's Canberra Times stated that the three accused made a statement from the witness box. This should have read, "the three accused made a statement from the dock."—Ed.]