

WAGGA R.A.A.F. MAN ACQUITTED ON RAPE CHARGE

SYDNEY, Wednesday: Without hearing the evidence for the defence, a Central Criminal Court jury today acquitted Jack Taylor Barton, 24, of a charge of rape.

Barton, an R.A.A.F. flight mechanic at Forest Hill, had been in Long Bay gaol for more than three months awaiting trial, following his committal from the Wagga Police Court.

THE charge alleged that Barton had criminally assaulted Joan Marion Andrews, 19, of Fox Street, Wagga, in a park, near her home in the early hours of November 19, after the couple had met at a dance the previous evening.

The accused, who pleaded not guilty, entered the dock wearing an R.A.A.F. khaki uniform.

The Public Defender (Mr. F. W. Vizard) who appeared for him, said that the accused admitted intercourse, but claimed it was with the girl's consent.

The Crown Prosecutor (Mr. C. V. Rooney) in opening the case to the jury emphasised the danger of convicting a man on a sex charge without corroboration.

In the present case, he said, there was little, if any, corroboration.

Jury Addressed

The jury would have to take into account the following facts—that no screams were heard; that there were houses nearby, and that there was no injury to the girl's face, despite the fact she alleged that the accused had punched her.

The only possible corroboration was on one small point—that there had been a slight bruise on the girl's throat, but a doctor who examined her on the second day could not find any trace of it.

Mr. Rooney said the facts were simple and were unnecessarily complicated at the Wagga hearing.

Accused was of good character. He had served with the R.A.A.F. for three years during the war and had re-enlisted and had been sent to Wagga

only 10 days before the alleged assault.

"Unusual Course"

Mr. Rooney said that Barton had taken the "most unusual course" of going into the witness box at Wagga and submitting himself to cross-examination.

Questioning did not break down his version of the occurrence, as set out in his statement to Detective Cloke, of Wagga.

After Miss Andrews had given evidence regarding the alleged assault, she was asked a few questions by Mr. Vizard, but none of these related to the actual offence, as alleged.

Mr. Vizard then asked the jury whether they desired to hear any more evidence.

Mr. Justice Glancy explained the law with regard to corroboration and adjourned the court for 10 minutes.

Jury's Verdict

On the return of the jury, the foreman announced a verdict of not guilty.

Before discharging the jury His Honor made the following comment: "I take it that your view is that you could not convict because of lack of corroboration."

"The girl seems to be an impressive witness. She is undoubtedly a girl whose word in ordinary circumstances you would accept. She is obviously a girl of good character and, undoubtedly had not had intercourse previously. That is your view?"

The foreman answered "Yes". Barton was then discharged.

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