

Police defend action after boy, 13, is cleared of rape

BY BILL FROST

POLICE and prosecutors last night stood by their decision to take court action against a 13-year-old boy who was cleared yesterday of raping a girl in a school sandpit.

Detective Inspector Martin Parsons, who led the inquiry, said: "It was a case which was properly brought, properly defended and properly tried." A Crown Prosecution Service spokesman said: "We had no choice."

The boy — the youngest to face trial for rape in Britain — smiled as magistrates at Newport, Isle of Wight, returned their verdict after 40 minutes' deliberation.

The former choirboy who, like the girl, was 12 at the time of the alleged offence on November 30, denied raping her at Cowes. He did not give evidence in the three-day youth court trial, but the girl claimed tearfully, via a vide-link from a side room 20 ft away, that he had told her he wanted to have sexual intercourse and then forced himself on her.

The court was told that the

boy was 4 ft 11 in and the girl 5 ft 3 in.

Richard Price, for the boy, said in his closing statement: "The forensic evidence does not support an assertion of sexual intercourse, let alone without the girl's consent. We must not judge a 12-year-old boy by adult standards. Adult men may find it very difficult to decide whether a woman is consenting, and women do sometimes make up allega-



Price: "Difficult for boy to hold down larger girl"

tions of rape. It would be difficult for the smaller boy to hold down the larger girl with her trousers down, and it would have required a degree of co-operation and not resistance on her part. The girl was not raped — it does not fit."

Mr Price had accused the girl of being a willing partner who panicked when another boy found her after the incident. Other witnesses also said they heard the sound of laughing and giggling from the sandpit.

The boy who found the girl said he had asked her out but she had said no and that she wanted to go out with the defendant. He also said that before he was told she had been raped, the girl said to him: "If I'm pregnant, I will kill him."

The girl maintained she was raped "and it hurt". She told police she did not like the boy much because "he is all rough, he acts hard and I don't like his attitude". But she went to the field with him "because I

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try to make friends with people and I trust people. Well, I used to."

The boy was the youngest person tried for rape since the 1989 Children's Act was changed last September, allowing boys under 14 to be accused of the offence. Before then it was assumed that younger children were incapable of intercourse, but this was overturned when MPs supported the Sexual Offences Bill, giving police the power to prosecute boys as young as ten.

Detective Inspector Parsons said police would not be reluctant to bring similar prosecutions in future. "The defence quite properly raised reasonable doubt, but this was always an emotive issue."

A CPS spokeswoman said: "We had a case involving a young girl, alleging that she had been raped. There was the forensic and medical evidence to support her, and at that stage a boy denying that he had been with the girl. Clearly, applying the code for Crown prosecutors correctly, we had no choice but to proceed with the case and put the matter to the court."

The boy's solicitor, John Matthews, said: "The family would like to say that they are relieved that their ordeal has come to an end. They feel that they are emerging from a nightmare."