

measures, not available in 1992, available to a child complainant which could maximise the quality of his evidence.

**iv) The date of the alleged offence**

The prosecutor points out that there is “*direct conflict between [RC-A595] and Father Pearce as to the date of the incident*” and that the complainant alleges that the incident occurred on 4 June whereas the suspect that his examination of the complainant occurred on 11 June 1992. The complainant’s sister, [Name Redacted], states that the complainant told her on 11 June that “*Last week Father David had poked his bottom with his finger*”. The prosecutor opines that the possible delay in the complainant making his complaint to his sister is significant.

A prosecutor today should not be troubled by relatively minor discrepancies in child complainant’s accounts or by any delay in reporting the offence.

**v) The complainants “disturbed state of mind”**

The Prosecutor states that it, “*is not without significance*” that a social worker named Patricia Allen stated that she was convinced that the complainant had been beaten and emotionally abused at home and that the complainants sister, [Name Redacted] made reference in her statement to the complainants expressed desire to commit suicide because of the way the suspect had treated him over an incident concerning the complainants admitted theft of a cricket bat and his worries over his 11+ examinations.

This is another stereotype which the prosecutor has placed undue weight upon.

**vi) The possibility of fabrication**

The Code at the time required prosecutors to consider the following matters:

- (iii) Does it appear that a witness is exaggerating, or that his memory is faulty, or that he is either hostile or friendly to the accused, or may be otherwise unreliable?*
- (iv) Has a witness a motive for telling less than the whole truth?*
- (v) Are there matters which might properly be put to a witness by the defence to attack his credibility?*

The Prosecutor raises the possibility that the defence might attack the complainant’s reliability and credibility by suggesting that he has fabricated his allegation. He states that the complainant;

*“having incurred the wrath of his father by reporting that his father had beaten him he “made an effort to retrieve the situation and get back into favour by either inventing the allegation or embellishing upon what had occurred when Father Pearce had examined him to see if there was any evidence that he had been beaten”*

In my view, the prosecutor validly considered the alternative explanations which might be put forward by the defence, as he was required to do under the Code at the time. This line of attack was clearly open to the defence and could be seen as undermining the credibility of the complainant.