

EVANS V THE STATE (Appeal)

ABSTRACT

Rape – grandfather alleged to have molested and raped granddaughter over a period when she was 6-10 years of age – appellant convicted and sentenced to effective life sentence – acquitted on appeal – State not proving case – complainant’s evidence not satisfactory – probably well intentioned but insightful manipulation of child’s evidence contributing to such result - lack of insight by prosecution into garnering and presenting corroborative evidence of the allegations- failure to appreciate the import of medical evidence that indications consistent with molestation were ongoing several months after the perpetrator had opportunity to molest victim – failure to exclude the reasonable possibility that appellant’s denial could be true – case is an illustration of how glib assumptions about adducing evidence in intrinsically difficult type of case ruins prosecution case- a defence case must be taken seriously and rebutted if possible