

Charges against a Galway rape accused withdrawn after niece admitted she was lying

By Jessica Magee And Emer Connolly Galway Advertiser, Thu, Jul 25, 2013

Charges against a Galway man who pleaded guilty to raping his niece have been withdrawn after the girl later admitted she was lying.

The girl, who is now aged 18, told gardaí that her mother made her file a complaint to gardaí and social services when she was about ten years old, claiming her uncle had abused her.

The 41-year-old man, who cannot be named for legal reasons, had maintained his innocence until the trial but pleaded guilty on the day because he said he was “completely terrified” of going to prison.

He believed a guilty plea offered the best chance of avoiding a jail sentence.

He had pleaded guilty to rape and serious sexual assault, at a house in Galway city between September 1, 2004 and February 28, 2005.

At the Central Criminal Court today/yesterday (MON), Conor Devally SC, prosecuting, applied for all counts against the man to be withdrawn. This was granted by Ms Justice Iseult O'Malley.

Last week Ms Justice O'Malley had allowed the man to change his plea to not guilty following an application before her to allow him to do so.

Mr Devally told the court at last week's hearing that the man's older sister approached gardaí in April this year and admitted she made her young daughter write to the gardaí and make allegations about her brother, because she suffered from depression and anorexia and wanted her brother out of the house.

“I told her a lot of stuff to say, to blame him and what kind of things he did. It took a lot of time to get her to understand, she didn't want to do it. I told her to say that he was on top of her,” the girl's mother told gardaí.

When asked why she put her daughter up to it, she replied: “Because I'm an evil bitch.”

An affidavit written by the accused was read out in court by his counsel, Feargal Kavanagh SC, in which the man said he could not understand the allegations and had always instructed his solicitor he was innocent.

The man said the problem was that at the time of the allegations he had been drinking an enormous amount of alcohol, and could not recall that period of his life with any degree of accuracy.

“I knew there were days I could not account for as I had been drinking so much. My memory was never good; it's almost non-existent now,” the man said.

The court heard that the man has a mild intellectual disability and has spent time in hospital for mental health issues. He is the youngest of a very large and extremely dysfunctional family, counsel said.

He said he was “overcome by panic” and in a state of near nervous collapse at the thought of going to prison. He was also terrified that he would be preyed upon by other prisoners.

He said a member of his family convinced him to plead guilty to at least one of the allegations in the hope that he would get a suspended sentence.

The man's solicitor said his client's sister came to his offices in February of this year in a distressed state, and told his legal assistant that she had “done something terrible”. She said she told lies to the gardaí about her brother, and had also instructed her daughter to tell lies.

Sergeant Eilis Hynes said the woman told her in an interview that her brother had never touched her daughter and that she had been very unwell at the time of the allegations.

The woman also said she told her daughter that her mother would go to prison if she didn't make the allegations.

The girl told gardaí that she kept saying she didn't want to go ahead with the case, but that no-one listened to her.

<https://advertiser.ie/galway/article/62633/charges-against-a-galway-rape-accused-withdrawn-after-niece-admitted-she-was-lying>