Lawyers demand rape case answers

Published: 01:00 Friday 31 May 2002

LAWSYERS acting for a teenager accused of raping a girl in the grounds of an East Lothian high school are demanding the results of an inquiry over an alleged withholding of evidence in the procurator fiscal service. Edinburgh law firm Gilfedder and McInnes is demanding answers to why Lord Advocate Colin Boyd appears to have done nothing in five months regarding serious allegations over the prosecution of their client, 17-year-old Ryan Glynn, who was accused of raping a 15-year-old girl.

The Lord Advocate was contacted in January by the firm to investigate claims that the procurator fiscal’s office in Haddington withheld vital CCTV evidence for ten months which could have proved their client’s innocence.

Lord Boyd was approached a year after Crown Office officials and police first began investigating their complaints of irregularities regarding the withheld evidence in the case.

The firm’s lawyers say that despite the potentially serious nature of the claims against the Crown Office, there has been no action on the matter.

Mr Glynn was accused of forcing the girl to have sex in the grounds of an East Lothian school in December 1999, but he was cleared at Haddington Sheriff Court after a jury saw CCTV footage which showed the couple kissing and later calmly walking together out of the grounds.

Police had taken away 18 tapes months earlier but the procurator fiscal’s office in Haddington failed to mention them to Mr Glynn’s defence team, who had been led to believe any useful footage had been destroyed.

It was only a chance remark by a member of school staff which revealed that camera footage from the time of the incident had been kept by police.

Under Scots law, prosecution lawyers have a duty to act in the public interest by making available to the defence any evidence gathered by police which might help the accused.

The footage was only revealed to the defence team the day before the trial was due to start and proved vital to Mr Glynn’s acquittal in February last year.
His lawyer, Simon Collins, has written several times to the fiscal service for answers on why it did not release the evidence immediately but claims he has never received an adequate explanation.

A Crown Office official said that the inquiry launched last year by the Regional Fiscal Office in Edinburgh into Mr Collins’ complaints had taken so long because of the "thoroughness" of its investigation.

However, Mr Collins doubts the year-long investigation has been thorough and insists he has still not been interviewed about the case.

"The matter is not being properly investigated," he said. "If it had been I would have been interviewed by now but at this stage I have no understanding of the nature of their investigation or what they are doing.

"Three members of staff at this law firm were involved with the case but not one of us has been interviewed about it. How can they possibly say that the investigation is thorough?"

Mr Collins said a separate probe had been completed by police within a few months but added he cannot get access to the findings until the fiscals’ inquiry is complete.

He said he has written three times to the fiscal’s office and to Lord Boyd but said he had received no reply.

"It is now starting to look like there is a cover-up and that they are withholding the findings of the police."

Mr Collins said his client told him about the CCTV tapes that would prove he and girl had left the scene together - suggesting consensual sex.

By then it was almost a year after the incident and Mr Collins believed the tapes were only kept for a month, but after a chance conversation with the janitor he learned police had taken away 18 tapes after the alleged attack.

Stunned, the defence lawyer contacted Haddington Procurator Fiscal, who confirmed the tapes did exist.

However, officials there said to Mr Collins that the images shot by CCTV cameras were destroyed, then said the images were of no use.

Months of legal wrangling followed before the fiscal released the tapes the day before the trial.

"Had the video evidence not been available there is no doubt in my mind the accused would have been convicted and received somewhere in the region of about five years for rape.

"The Crown Office has appeared to have adopted an unhelpful attitude."
Mr Glynn is believed to have moved to Oxford shortly after he was acquitted and was unavailable for comment today.

A Crown Office spokeswoman said the regional Procurator Fiscal hoped to submit his report next week.

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