14th November 1996

**Sailor’s court martial collapses**

**THE trial of a sailor, who is accused of indecently assaulting a Wren on board a Royal Navy ship in the West Indies, was halted yesterday.**

Weapon Engineering Mechanic Darren Garnsworthy, 22, based at HMS Drake, Plymouth, was formally being found not guilty when the prosecution offered no further evidence.

The Wren had alleged at the Portsmouth court martial that she had been indecently assaulted on the West Indies guard ship HMS Norfolk while the ship was at St Lucia in October 1994.

The 22-year-old Wren, who cannot be named for legal reasons, had alleged in evidence that Mr Garnsworthy had tried to kiss her and then forced her to the deck and committed an indecent act.

She was due to be cross-examined by the defence yesterday.

Lieutenant Commander John Flanagan, prosecuting, said that, as a result of “new information”, he was offering no further evidence and he asked the court to formally find Garnsworthy not guilty. “As a result of new information not previously available to the prosecution or the defence which has come to light this morning, the prosecution has no basis on which to proceed in this case.”

No details of the new information were given.

Mr Garnsworthy and the Wren left without making any comment.

The Wren had told the hearing that, at the time of the alleged assault, she had not given full details of what had happened and did not make a formal statement until this year. “Apart from crying, I didn't want to in case they did not believe me and I knew the hassle it would cause,” she said.
When interviewed this year after the Wren made a formal statement, the hearing was told, Mr Garnsworthy said there had been kissing for a couple of seconds between him and the Wren but nothing further had happened.

Yesterday, during legal argument before the hearing began, it emerged that an admiral had been questioned over a delay in investigating the Wren's alleged assault. Admiral James Perowne was captain of the warship at the time the Wren claims she was assaulted.

It was also revealed by Mr Nicholas Lewin, defending, that the Wren had made previous allegations of sexual assault, including two rapes and another sexual assault which had led to a court martial which had also collapsed. He said both the rape cases had been investigated and no action taken.

He said that after the alleged incident on the Norfolk, Mr Garnsworthy had been given a “dressing down” for breach of the “no touching” guidelines.

Commander Flanagan said there had been an investigation into why no full investigation was held at the time.

Statements taken from the then commanding officer and executive officer showed they took their decision on how to deal with the matter on the basis of extremely sparse information. To an extent, they had been hindered by the Wren's reluctance to give details about what she alleged had happened to her.

He said an investigation had been carried out because many people believed there was no smoke without fire.

“The smoke was cleared and no fire was detected,” he said.