

R v Daniel Davies

Charging Decision

The evidence is set out.

1. I have to make a charging decision in this case. I apply the Full Code test and have read all relevant guidance.
2. I have watched Amy's ABE interviews. On each occasion she provides clear and compelling account of what the suspect did to her, accompanied by appropriate and understandable distress. I believe her. It is of note that her mother, who knows her better than anyone, also believes her.
3. I appreciate Amy's account has emerged over time: first, digital penetration on one occasion only; then, having to touch the suspect's penis on that same occasion; and then to it happening on many occasions. This is not unusual. It is a common sexual myth that victims are able to disclose everything in one go. It is especially understandable in this case where the suspect threatened her with expulsion should she say anything.
4. There was change of location from the gym to the storeroom. Amy accepts that this was deliberate but she provides a perfectly reasonable explanation for it, namely that she could not bring herself to talk about the storeroom where all these dreadful events took place. Such transposition of location is a well-known phenomenon in my experience. In another case in which I advised, an expert said it enabled the victim to deflect and deal with the trauma of what happened. This is certainly what Amy has done in this case.
5. I also appreciate that Amy only complained to her mother six months after the assault had taken place. However, there is a perfectly rational explanation for this viz the threat made by the suspect. It is a common sexual myth that victims are able to complain straight away. In fact, I find the manner and circumstances in which the complaint was made to be of some considerable support to Amy's allegations.
6. I also appreciate that Amy continued to associate with the suspect during PE during this assaults. It is a common sexual myth that victims always seek to avoid contact with their abusers. After all, what was Amy to do? She had to attend PE classes. She was probably too concerned to bother her mother about it as she seemed preoccupied looking after Amy's sister, Becky. Who could she complain to? Although not in the guidance, it seems to me an entirely appropriate extension to the myth to which I have referred to suggest that it is also a myth that victims are unable to return to the place they have been abused. This would explain why Amy kept doing so as the defence witnesses claim.

7. I also appreciate Amy got the dates completely wrong. This is an exceptionally minor matter. It is a common sexual myth that victims are able to recall precisely when events took place. It is all to do with the trauma of being abused. I therefore do not need to consider the fact that the suspect has an alibi for the first occasion she says he touched her.

8. To the contrary, compelling support for Amy's allegations derives from the fact she was able to describe his tattoo and its location with absolute precision. There is no way she would have been able to do this had she not been abused by him. In support of this proposition, one need look no further than the suspect's own interview. Even he could not come up with an explanation for it. To suggest it was a good guess is a fanciful assertion, no doubt borne out of utter desperation. Therefore, he must have abused her.

9. There is also possible supporting evidence of bad character deriving from his relationship with his wife due to her being, as Amy's mother put it, his "child bride".

10. As far as the defendant and his case is concerned:

- He lied in interview about he and his wife having a good sex life and brazenly said he did not need to "touch up another student to get his kicks". Emily Davies can be called to refute this. This lie lends considerable support to Amy's allegations.
- Moreover, the lack of sex life provides the suspect with a motive to assault Amy, contrary to the suspect's assertions.
- I entirely accept the suspect is of good character. But that is not a defence. It carries little weight.
- Finally, the defence may say it is a risky thing to do to assault Amy in an unlocked store cupboard where students could enter at any time [as indeed they did when PC Garside was there for just a few minutes on the day of the suspect's arrest]. Child abuse is, however, always risky. Where else could he have done it?

10. I have read with care the social services records. I note Amy can be attention seeking and suggestible and the defence will inevitably exploit these matters bearing in mind some of the events in this case. However, I find Amy a very credible witness. Great support derives from her complaint and her identification of the suspect's tattoo. I pay no attention to the sexual myths I have carefully identified in this review note. Amy has no reason to lie. He, on the other hand, has every reason to lie. His long teaching career and outdoor pursuit training activities would come to an end if he were to admit these terrible crimes. He has, after all, already told one significant lie.

11. Applying the merits based test, I find there is realistic prospect of conviction.

The public interest test is considered and is found to be met.