



Not Guilty or Not Proven

He said, she said. Could the jury ever convict?

The recent high profile case of Michael Le Vell has provoked a strong negative reaction from the UK media and social networking sites. Comments have rapidly been appearing on this matter from people who clearly have no understanding of the criminal justice system and just want to throw in a detrimental opinion.

It goes without saying that in cases like these only the accused and the alleged victim know the truth about what happened. No one can ever say they are one hundred percent certain of the events that took place, unless of course an admission on either part. Not the judge, the jury or any member of public. Yes, the jury can make a judgment call based on all evidence provided to them and in this case they could not find the defendant guilty beyond all reasonable doubt.

However, does this therefore imply that he is innocent and that the alleged victim is cast out as a liar? No. Although, the logic behind a not guilty verdict would presumably mean that this was the case. Should we, therefore, think of the term as 'not guilty' or 'not proven'?

I am and have always been a supporter of our justice system. It is undeniably right and fair that a sexual abuse claim should be tried in a court on the single bases of evidence provided by the alleged victim's statement, with no concurring evidence.

Also if a man or woman is found not guilty in a court of law, theoretically they should be able to continue life in society without any stigma attached. This is true. My worry is that men and women are being found not guilty every day in our country due to lack of evidence when in fact they are guilty of all charges against them.

This is obviously very contentious territory to get in to. How can you convict somebody when the only piece of evidence is the victim's statement? Surely no jury can ever send a man or woman to jail on the basis of one statement with no supporting evidence, because there would always be some form of doubt, even if they do believe the victim's statement.

This is why sexual abuse crimes rarely result in a conviction. Is it the case that every single time a sexual abuse case does not make it to court, or the verdict given is not guilty that the complainant is telling a lie?

This undeniable issue is arguably most prevalent in child sexual abuse cases, where a vulnerable child is manipulated into silence. In these cases it is common that when the victim has found the strength to come forward it is some time after the abuse, even years afterwards. Therefore, there is unlikely to be any incriminating evidence against the abuser, other than the key witness statements, unless the accused has abused others and other victims find the courage to speak out.

This article is not offering the opinion that Michael Le Vell is guilty. All it is stating is that we



should not speculate, and that there needs to be clearer guidelines on the interpretation of the not guilty verdict equating the term innocent. Everyday there are not guilty verdicts being handed out by the courts to alleged child sex offenders, who are not in the public eye, and the insensitive public celebration of this high-profile verdict will be giving wrongly acquitted abusers a sense of invincibility, whilst the victims of abuse, already let down by the justice system, are being tormented further.

It may be much more digestible to believe that our justice system finds all abusers guilty and that innocent men and women are acquitted or never tried in a court of law. In reality this cannot be the case.

It is inevitable, although rare, that there will be wrongly accused men and women who are found not guilty. In these cases it would be reassuring to think that the accused would be appreciative of our justice system and proud that even though they have suffered, our system works and everyone is given a fair trial. However, it is also clear that many sexual abusers, including child sexual abusers, walk free everyday. This is what needs to be recognized and changed.

A not guilty verdict does not mean innocent.