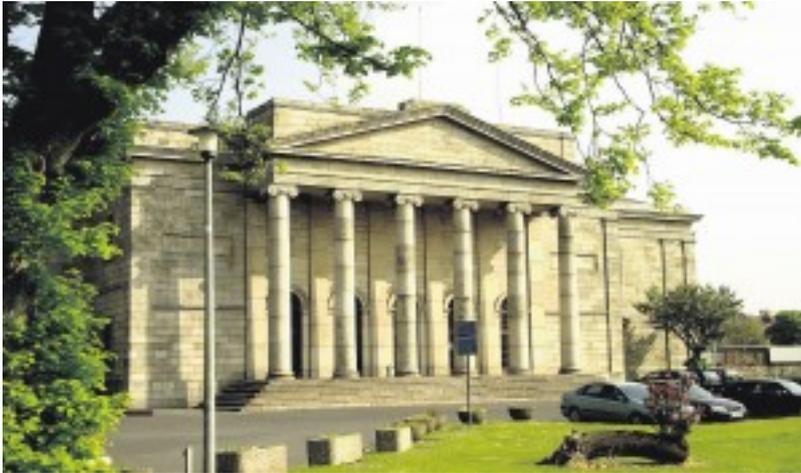


Man (64) found not guilty of sexually assaulting stepdaughter



A 64-year-old Waterford man was found not guilty in the Circuit Criminal Court in Waterford last week of sexually assaulting his step-daughter when she was aged 11 and 12 over 19 years ago.

A jury of eight men and four women returned unanimous not guilty verdicts on eight sample counts after an absence of 25 minutes at the end of the three-day trial.

The accused man, who cannot be named for legal reasons, denied the allegations and described them as “sick horrible lies”.

The defence claimed the allegations were made first made two weeks after the man married another woman.

The alleged victim, who is now aged 31 and a mother, said the abuse took the form of inappropriate touching both inside and outside her clothes.

She denied that her allegations were made out of “vengeance” and she left the court immediately after the verdicts were announced.

In her evidence the injured party said her father left home when she was seven and the man became her mother’s partner.

He appeared very affectionate towards her and encouraged her to sit on his lap while he cuddled her.

At night he would come into her room and stroke her hair. Sometimes he wore a dressing gown and at other times he was naked.

When she was 11 he watched her showering in the bathroom through a hole in the hot press and she had to cover the opening with cardboard and a towel.

At the stage of puberty he approached her one day and said her mother had asked him to talk to her about sex. He brought her into his bedroom and asked her to lie back on the bed and he explained about sex and touched her breasts and vagina. The woman said she felt very uncomfortable and wanted to get out of the room. On another occasion he was naked in bed and he asked her to get in for a cuddle. Her two younger sisters were on either side of him. She remembered when her mother went on holidays to Turkey leaving her and her sister in the house with the accused man.

Two of her friends came on a sleep over and the three of them were in bed in her room. The accused man came home from the pub and went into their room completely naked. They screamed and ran into her mother's room and put a chest of drawers against the door.

The incident left her very embarrassed and afraid of the man but she said nothing about it because of her two friends. She made no complaints because she feared the consequences and did not want to split up the family.

The injured party also alleged that her abuser shaved her private parts when she was 14 years of age. The bathroom door was locked and he was kneeling in front of her with a razor.

She woke at night a couple of times to find the bed covers back and his hand inside her night clothes touching her private part. He had no clothes on and sat there watching her.

The abuse stopped in 1997 when he had a heart by-pass operation.

In a final incident she struck him in the mouth to escape his unwanted attention and she left the house a couple of weeks later.

In reply to questions by Ms Elaine Morgan, BL, defending, the woman said denied telling lies to the court and said the man was a regular visitor to her bedroom late at night when everybody else in the house was asleep.

She bore him no ill will for breaking up the family unit when she was a child and throwing a "hand grenade" into her life.

The affair he had with her mother did not last and he "sailed off" and married another woman. In September 2010, two weeks after he married, she made her complaint to the Gardaí.

At that stage she could not longer live with the affects of abuse but there was no "vengeance" about her allegations. She tried to protect her sisters who were "in the house with a paedophile".

Garda Fergal O'Callaghan said he arrested the man on suspicion of sexual assault. In response to the woman's allegations he said: "The bitch...I am going to sue her".

The allegations were "horrible and damned lies". He said he loved every one of the kids. When her statement was read over to him he said: "Stop. Stop. That is sick."

In his closing speech to the Jury, Noel Whelan, BL for the DPP said the accused man was the stepfather in the home and he availed of the opportunity to repeatedly sexually assault the girl. She was vulnerable and he set out to exploit her.

At first it was in a small way by looking at her in the shower through a hole in the hot press but then he went into her room.

It was suggested that she should have told somebody about the abuse as it was a huge burden for an 11 or 12-year-old. It was a gradual pattern of grooming.

The defence alleged the woman resented the man getting married again after causing such damage to her family. Eventually at the age of 28 after her baby was born she found the courage to tell the Gardaí, he said.

Ms Morgan BL, defending, said child sex abuse raised emotions but the case had to be decided on the evidence which was limited to the oral evidence of the woman.

There was no evidence from the girls who stayed for the sleepover at the house to corroborate her allegations.

In the past men had been convicted on false allegations and had lived with the label of paedophile for many years. She warned that it was dangerous to convict on uncorroborated evidence and if there was a doubt the jury must acquit.

After an absence of 25 minutes the jury of eight men and four women returned a unanimous not guilty verdict on eight sample counts.