

SUBMISSIONS AS TO QUANTUM AND AS TO ACT OF VIOLENCE

1. The victim claims as a primary victim of a category 3 sexual assault.
2. In the event that the Assessor does not find a pattern of abuse then the victim claims a category 2 sexual assault.
- 2 The evidence relied upon is from Professor Hayes who is also an ARW. Prof Hayes makes comments as to the initial impact upon the victim's functioning of the assaults and from the history that she had received she was of the view that a category 3 claim had been satisfied. The expert felt that although the victim had continued to function reasonably well, she had experienced and continues to experience a childhood that has lost innocence and is affected by anxiety from the assaults.
- 3 The way that the victim manages to cope is by way of denial. This is a sad comment bearing in mind the age of the victim now and the view of the Professor that it is likely that the current condition would continue. This is despite the fact that the victim continues in regular counselling and has done so since that date of the disclosure.
- 4 The defendant was not convicted in relation to the offences. It is submitted on behalf of the victim that notwithstanding the outcome of the criminal proceedings, that the Assessor could find that there had been an act of violence on numerous occasions as alleged by the victim.
- 5 Those reasons are as follows:-

(a)The victim in her record of interview, gives a very credible account of what took place. She was consistent throughout. Any discrepancies which were referred to by the defence, were very minor in nature, particularly bearing in mind that the victim was and continues to be a young child.

(b)Many adults would not have been able to withstand the stresses and strains of being assaulted and then having to give evidence and be cross examined about it all. It is to her credit that she did manage this.

(c)The standard of proof is of course only on the balance of probabilities

(d)The victim has a very credible reason for not making the disclosure earlier.

(e) The account of the victim is to a very large extent corroborated by her cousin

(f) The offender had the opportunity to assault the victim due to his position as soccer coach to the victim

(g)The victim suffered from a vaginal infection around the time of the assaults which would tend to corroborate the allegations of sexual activity

(h)The doctor who did later examine the victim was of the opinion that the findings were open to support the act of violence and did not conclude against the conduct having taken place

(i)Although the defendant was a person of prior good character this is not uncommon that an offender will be a first offender even in respect of such serious conduct .

The applicant seeks reimbursement of the report fees for Prof Hayes.

A handwritten signature in black ink, appearing to be the letter 'd' with a long, sweeping tail that curves upwards and to the right.