

interoffice  
MEMORANDUM

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**To:** FILE NOTE  
**From:** Simone Bain  
**Subject:** R. V. DURHAM  
**Date:** May 22, 1998

Conference with complainant <sup>AYB</sup> [redacted] at Southport DPP office: Mel Shelley present. At the conference we largely discussed general issues <sup>AYB</sup> [redacted] had a number of concerns that were raised and addressed, about having to go to trial and give evidence. Her statement/ evidence was not gone through in detail.

I did raise my concerns about the rape charges proceeding <sup>AYB</sup> [redacted] confirmed that she did not ever struggle or tell the accused not to have sex with her; no force was used. I explained that we had to prove an absence of consent: a charge of U.C.K. is not available as the complainant was not under 12 [relevant age at time of charges] <sup>AYB</sup> [redacted] explains that she went along with the conduct because of the accused's position/family relationship/religious upbringing etc. <sup>AYB</sup> [redacted] was understanding of this.

I also discussed/explained at length the concept of proceeding to trial only on incidents that were particularised. I explained how the matters in the statement were reduced into indictment charges: I explained how this translated into a "reduction" in the number of charges compared to the number of matters charged by the police.