

# Warren Blackwell was convicted in October 1999 of sexually assaulting a woman after she left a 1999 New Years Eve party in Northamptonshire, England, about 50 miles north of London. The woman claimed she was forced her into an alley by a knife wielding Blackwell where the sexual assault took place. She also claimed Blackwell inflicted physical injuries on her.

## Rape Conviction Tossed When The "Victim" Is Revealed As A Serial Rape Accuser

By JD Staff



Warren Blackwell and his wife Tanya

Blackwell, the married father of two children, appealed his conviction. He not only lost his appeal in March 2002, but the Court of Appeal increased his sentence from three to five years in prison. He was paroled in February 2003 after serving three years and four months in prison. His wife Tanya believed in her husband's innocence and stayed with him through his ordeal.

After Blackwell exhausted his legal appeals, he filed an application with the Criminal Cases Review Commission (CCRC) for review of his conviction. After accepting his case, the CCRC discovered during its investigation that his accuser had falsely alleged being sexually or physically assaulted on at least six occasions prior to accusing Blackwell. Her false accusations included:

- She was married twice and made false assault allegations against both husbands.
- She accused her father of sexual assault, but police investigators determined she made the incident up.
- When she was a teenager she accused a boy of rape, but the doctor who examined her discovered she was a virgin.

It was also discovered that the woman had a history of mental illness and self-harm. She had even once used scissors to inscribe the word 'HATE' on her body.

The CCRC concluded based on her history and suspicious aspects of her story about the alleged assault by Blackwell, that she "lied about the assault and was not attacked at all, her injuries being self-inflicted." Based on the new evidence, the CCRC referred Blackwell's case to England's Court of Appeal.

The prosecution didn't oppose Blackwell's appeal. The lead prosecutor wrote, "This conviction is unsafe. What has come out of the woodwork paints a picture of a woman with immense personal problems with serious difficulties in distinguishing between truth and lies." He also wrote that if the new evidence had been known at the time her alleged assault was reported, "this case would not have made it off the ground."

On September 8, 2006, the appeals court unanimously quashed Blackwell's conviction. The court took the unusual action of recommending that police agencies across the country be alerted to details about the woman to forestall her from harming another man with a false accusation.

Outside the courthouse, the 36 years-old Blackwell described his accuser as "every man's worst nightmare. Clearly something has to be done about this woman. She needs to be stopped. The prosecution say she is psychiatrically disturbed, but insane people who murder are tried and if found guilty put away." In a statement he later released, Blackwell said, "It took the police and the justice system nine months to convict me of a crime that not only did I not commit, but a crime that never even took place. It has taken almost seven years to clear my name."

### Blackwell awarded \$504,000 minus \$25,000 for prison room and board

In January 2008 it was reported that Blackwell was awarded \$504,000 for his wrongful prosecution and imprisonment. However, in accordance with the British government's standard practice of charging a wrongly convicted person room and board, \$25,000 was deducted to reimburse the prison service for feeding and providing him with a bed during his 40 months of imprisonment. So Blackwell's payment was \$479,000.<sup>1</sup>

While pleased with the award of compensation, Blackwell was upset with the 'board and lodging' deduction. "It's the principle of the thing. They slam you in jail for three years and four months, brand you a sex attacker, leave your family to cope without you, then turn around and say sorry but demand \$25,000 (£12,500) for living expenses incurred during your time inside. It is illogical that someone should have to pay for a punishment — which prison is — that should never have been given in the first place." He continued, "If murderers and robbers don't get charged for their time in the clanger, how come an innocent man does? It doesn't make sense and it is plain discrimination."

Blackwell's lawyer, Robert Berg, also decried the government's policy of requiring a wrongly convicted person to reimburse the cost of their upkeep while imprisoned. He

told the London's *Daily Mail*, "Even though he was in prison, it doesn't mean there were no living expenses at his home. His family was still there, having to feed themselves and manage the home. So they cooked one less pork chop because he wasn't there — it's hardly a great saving, is it?"

The legality of the "bed and board" deduction was challenged by three wrongly convicted men, Vincent Hickey, Michael Hickey and Michael O'Brien, who were awarded substantial amounts for their respective wrongful murder convictions. In 2004 England's Court of Appeals upheld the deduction, which the government argued is necessary to prevent a wrongly convicted person from getting a financial windfall by being paid the money they saved on living expenses while imprisoned. In March 2007 England's highest court, the House of Lords, upheld the principle upon which the deduction is based.

Consequently, in spite of his displeasure with the deduction, Blackwell will accept it. He told the *Daily Mail*, "I tried to fight against it but my solicitor says the only hope of overturning the decision would be to go all the way to the European Court of Human Rights. I would probably use up all the compensation money on legal fees if I did that."

### Endnote:

<sup>1</sup> Blackwell was awarded £252,500, which converts to US\$504,243 at the exchange rate on January 1, 2008 of 1.997 pounds per U.S. Dollar. Blackwell was charged £12,500 for 'board and lodging', which converts to US\$24,963.

### Sources:

Man freed but serial rape accuser remains anonymous, *Evening Standard* (London) September 9, 2006.  
Man jailed after woman made up sex attack is freed five years later, *The Telegraph* (London), September 9, 2006.  
Victim of false rape claim must pay £12,500 for bed and board in jail, *The Daily Mail* (London), January 1, 2008.  
*O'Brien and Others v. Independent Assessor*, [2007] UKHL 10, March 14, 2007.  
*Independent Assessor v O'Brien*, [2004] EWCA Civ 1035, July 29, 2004.

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