

Judge Complains To Jury Paul Cleary's Acquittal Will Distress Prosecution Witnesses

The lack of objectivity and pro-prosecution bias of judges is common in countries around the world. There are times when a judge simply cannot resist the temptation to overtly express their sympathy with the prosecution. One of those times occurred on December 10, 2013 after a jury in Liverpool, England acquitted Paul Cleary of allegedly abusing two children more than 30 years ago.

Paul Cleary emigrated to Canada in 1989 from Liverpool, England. He settled in Toronto where he had a family with two children and worked as an electrician.

Two women reported to police in 2010 that in 1978 when they were children, Cleary -- then 26 -- asked them to do handstands and invited them to guess what color his underwear was before making them put their hands inside his trousers. The women did not allege he sexually touched them.

Cleary, 61, was charged in England with indecent assault and indecency with a child. Cleary publicly declared the accusations the women had waited more than 30 years to make were complete fabrications. [He was extradited](#) to England from Canada in July 2013 to stand trial, after he refused to voluntarily return. He was released on bail to live in the Liverpool area pending his trial.

During Cleary's trial that began on December 2, 2013, the prosecution's case was based on the testimony of the two women -- now in their 40s -- who didn't deny waiting more than 30 years after the alleged incidents occurred to contact the police. The mother of one of the women testified her daughter told her when she was seven that she had been abused, but the mother didn't deny she never contacted the police or told anyone about the alleged abuse. The mother knew Cleary when he lived near Liverpool and before he was married, and during her cross-examination Cleary's lawyer suggested her testimony was the result of her jealousy of Cleary's marriage and his wife.

Cleary [testified in his defense](#) "that he had never been alone with the girls when the offences were said to have taken place and that for many of those occasions he would actually have been at work at the time, though he could not prove this because his



Paul Cleary leaving Liverpool Crown Court during his trial (Liverpool Echo)

paperwork was thrown away when he emigrated."

Cleary also testified he had seen the girls and their families after the time of the alleged abuse and he wasn't aware of a problem, and that he saw one of the girls in 2005 when she in her mid-30s, and she said nothing.

Cleary's lawyer Eric Lamb [asked him](#): "Did you ever assault them sexually?" Cleary replied: "Absolutely not."

When cross-examined Cleary testified he had never seen the girls doing handstands and that "It's a total fabrication" he asked them to do so. He also [unwaveringly stated](#) "Absolutely," when asked "Each and every allegation they have made is a complete and utter fabrication?"

On December 10 the jury deliberated less than three hours before acquitting Cleary of all twenty-two counts against him. After the jury's verdict was announced Judge David Aubrey [told the jurors](#):

"It's quite apparent there are a number of members of the public gallery who are members of the family left distressed as a result of the verdicts of the jury.

"Of course this court respects and anticipates if they are distressed the two prosecution witnesses in this case will be extremely distressed when they are made aware of the verdicts in this case. It is absolutely essential that both of them are informed of the decision with sensitivity and any help either of them require or need is given to them."

Judge Aubrey's comments sympathizing with the two women not only ignored the jury found their testimony wasn't credible, but his comments ignored that Cleary's life had been decimated by the women's unproven accusations that resulted in his arrest, public humiliation, forcible removal to England thousands of miles from his home in Canada, and the enormous financial and emotional burden placed on his family.

Commentator Raymond Peytors was so appalled at Judge Aubrey's comments that [he wrote on theopinionsite.org](#):

Perhaps it would have been better if the judge had turned to the defendant and said something along the lines of: "You

leave the court an innocent man and questions should be asked as to why this case was brought in the first place..oh, and we are really sorry that it has completely ruined your life in Canada, possibly cost you your job and may have destroyed your family by us allowing this case to proceed."

Neither the police nor the prosecutors made any public comment about Cleary's acquittal after the government had spent an enormous amount of money and resources on his prosecution that hinged on what the juror's determined was the unreliable testimony of the two complainants.

It is not known if the women will be investigated for filing false abuse reports against Cleary and committing perjury during his trial.

Source:

[CPS and police remain silent](#) after man cleared of historic abuse, [www.theopinionsite.org](#), Dec. 27, 2013

[Dad-of-two extradited from Canada](#) cleared of historic child abuse charges, [Liverpool Echo](#), December 10, 2013

[Merseyside man goes on trial](#) for allegedly abusing girls more than 30 years ago, [Liverpool Echo](#), December 2, 2013

[Child abuse suspect Paul Cleary](#) flown from Canada to face charges, [Liverpool Echo](#), July 12, 2013

[Alleged paedophile Paul Cleary](#) denies any wrongdoing, [Liverpool Echo](#), December 9, 2013

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