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asserted Judge Briscoe “forged the signature of a relative to obtain a council flat and falsified information on a passport application.” The Bar Council protected Judge Briscoe by dismissing the complaint without conducting an investigation.

After Judge Briscoe’s conviction Huhne **told reporters Judge**: “Constance Briscoe has been revealed as a compulsive liar and self-publicising fantasist. ...the Bar, the Crown Prosecution Service and the judiciary went on entrusting her with responsibility for people’s lives because they were not prepared to blow the whistle on one of their own.”

During Judge Briscoe’s trial the BBC published a story that Scotland Yard confirmed **a criminal investigation** had been opened into allegations she committed fraud by lying under oath and relying on forged documents to successfully defend in 2008 against a defamation lawsuit brought against her by her widowed mother Carmen Briscoe-Mitchell. Judge Briscoe’s mother alleged in her 2006 book “Ugly” that her parents abused her as a child. Judge Briscoe relied on two medical documents to prove the abuse denied by her mother and her siblings, but the doctor whose signature is on the documents told the BBC they are fakes because he did not author or sign either document. The lawsuit bankrupted Judge Briscoe’s 80-year-old mother who told reporters after her daughter’s convictions that she is going to pursue having the libel verdict overturned, which it is now known was based on fraudulent evidence submitted by a convicted liar.

Sources:

Judge Constance Briscoe found guilty of lying to police, *The Guardian* (London), May 1, 2014.

Constance Briscoe guilty: High-flying barrister faces jail for lying in Chris Huhne speeding case, *The Independent*, May 1, 2014.

R v Constance Briscoe, Sentencing Remarks by Judge Jeremy Baker.

Judge accused of lying to police investigating Chris Huhne’s points swap case is facing a re-trial after the jury failed to reach verdict, *Daily Mail* (London), January 31, 2014.

Constance Briscoe guilty, *The Independent*, May 1, 2014.

Constance Briscoe faces new criminal inquiry, *The Telegraph*, May 1, 2014.

Constance Briscoe: **ugly tale of the barrister who lied to police**, *The Guardian*, May 1, 2014



Appeals Court Acquits Man Of Rape Who Experiences Sexsomnia

Mikael Halvarsson has **been acquitted** of raping a woman who was sleeping in his bed by a Swedish Appeals Court.

On the morning of April 2, 2014 a woman called the police in Sundsvall, Sweden and reported that she had been raped. Sundsvall is a city of 51,000 about 235 miles north of Stockholm. She told the police that she and Halvarsson were sleeping in the same bed under separate blankets when she woke up and found he was having sex with her. When the police arrived Halvarsson was asleep, and when questioned he said he had no recollection of having sex with his friend.

Halvarsson was charged with rape, and based on his accuser’s testimony he was convicted. He was sentenced to two years in prison.

Halvarsson appealed, arguing the prosecution failed to prove the essential element he had the criminal intent to rape the woman because he suffered from the medical condition of sexsomnia. Halvarsson presented expert evidence that sexsomnia is a **sleep disorder** in which a person will unknowingly engage in sexual activities while asleep about which they have no memory when awakened. Sexsomnia is considered a type of non-rapid eye movement sleep parasomnia that includes: Somnambulism (sleep walking); Somniloquy (sleep talking); sleep eating; nightmares or night terrors; and sleep paralysis. Halvarsson also presented evidence from a previous girlfriend that he had tried to have sex with her while she was sleeping, and that he had acted confused when she stopped him and woke him up. In addition he presented evidence from his mother that he had suffered from disturbed sleeping patterns in the past.

Based on the evidence he had sex with the woman due to sexsomnia and not his conscious intention, the appeals court acquitted Halvarsson in September 2014. The **appeals court ruled** the evidence supported that Halvarsson “was in a state of sleepiness, unconscious of what was happening.”

Halvarsson’s acquittal is one of a **growing number** of cases in which a man has been cleared of sexual assault based on a sexsomnia defense. Lack of conscious awareness while asleep has long been recognized as a valid medical defense to sexual assault in England, where at least a dozen men have been acquitted of rape since 1996 based on a sexsomnia defense. It is also recognized in

Canada, where Jan Luedecke relied on it for his acquittal of rape in Toronto in 2005.

Matthew Walker, professor of neurology at the National Hospital for Neurology and Neurosurgery in London, has acted as an expert witness in sexsomnia cases.

Professor Walker said about sexsomnia: “The people I see are often couples and usually both are very distressed. The person doing it has no recollection of doing it, and it’s usually not much fun for the person having it done to them. The sex is usually loveless and more aggressive.”

After Halvarsson acquittal Dr. Kingman Strohl — a professor of medicine and director of research at the Sleep Center at Case Medical Center in Cleveland — **told ABC News** about patients who report sexsomnia, “Usually people are very scared and also quite confused as to what’s going on.”

It is estimated that as much as 1% of the population suffer from “sexsomnia” or have seen it, and the *Sun* newspaper in London **published a story** about a married couple who have been battling the husband’s sexsomnia for five years.

Information about sexsomnia (also known as “sleep sex”) is available at:

* Sleep Sex, Wikipedia.org

* www.sexsomnia.org

* www.sleepsex.org, founded by psychologist Dr. Michael Mangan.

* A book on the subject is *Sleepsex: Uncovered*, by Michael Mangan Ph.D. (Xlibris, 2001), 108 pgs., that can be purchased from Amazon.com by **clicking here**.

Source:

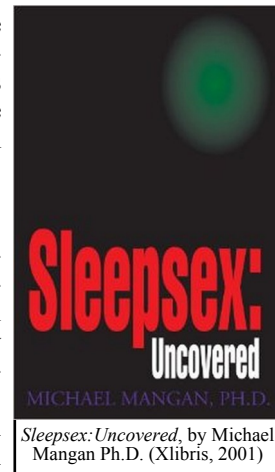
Swedish court accepts ‘sexsomnia’ defence and acquits man of rape, *The Guardian* (London), September 18, 2014

Swedish Man Acquitted of Rape Due to ‘Sexsomnia’, *ABC News*, Sep 20, 2014

Are men getting away with rape by pretending they were asleep? Rising number of attackers are trying extraordinary defence that they had ‘sexsomnia’, *Daily Mail* (London), December 28, 2012

Meet the sexsomniaics: Kelly and Stephen have battled with condition which makes him have sex in his SLEEP for five years, *The Sun* (London), January 27, 2012

Sleep Sex, Wikipedia.org



Sleepsex: Uncovered, by Michael Mangan Ph.D. (Xlibris, 2001)