

David Bryant's Rape Conviction Based On Fantasist's Fabrications Tossed By Appeals Court

On July 20, 2016 David Bryant's 2013 conviction for the rape of a male teenager in the mid-1970s [was overturned by](#) England's Court of Appeals based on new evidence his accuser is a chronic liar who fabricated the alleged assault out of thin air.

David Bryant was a 63-year-old retired fireman living in Christchurch, England in October 2012 when 49-year-old Daniel Day made a complaint to the police that Bryant and fellow fireman Dennis Goodman took turns raping him on a pool table sometime in 1976, 1977, or 1978. At the time Danny Day was around 14-years-old. Day alleged the rapes occurred on a single occasion at the Christchurch Fire Station where the firemen invited him to play darts. Day could only identify the alleged assaults occurred sometime within a three year period of time, and he said he never told his family about the incident. He said he was reminded of it when he visited Dorset County in 2010. (Christchurch is in Dorset County, on England's southern coast, about 100 miles southwest of London.)

Day claimed that he waited 35 years to accuse Bryant (Goodman was deceased) because he was inspired to do so by publicity about the 'Jimmy Savile affair'. Saville was a BBC personality who was discovered to be a prolific paedophile.

During Bryant's trial the prosecution's case was based on Day's testimony -- because there was no other evidence the incident occurred.

Bryant adamantly denied the incident testified to by Day occurred, and he presented evidence of his unblemished character.

Faced with a "He Said, He Said" case with no evidence confirming Day's account, a majority of the jury chose to believe Day and [convicted Bryant of rape](#). (To avoid mistrials, England allows 10-2 and 11-1 majority jury verdicts.)



Danny Day, the fantasist who fabricated his claims against David Bryant (Daily Mail, London)

Bryant [was sentenced](#) on January



David Bryant after his conviction was overturned on July 20, 2016 (The Times of London)

24, 2014 to six years in prison -- the minimum allowed under the law. Bryant, who had been free on bail, was immediately taken into custody.

Day was paid around £50,000 (US\$78,000) as a victim of crime under England's taxpayer funded Criminal Injuries Compensation Scheme.

Day, who waived his legal right to anonymity as the alleged victim of a sexual assault, [filed a civil lawsuit](#) in early 2015 against Bryant and Dorset County. Day's lawsuit sought aggravated damages of up to £200,000 (US\$312,000). The lawsuit's claims included that Day was a boxing champion with a record better than Muhammad Ali, but he had to give up his place on the British boxing team at the Los Angeles Olympics in 1984 because of the trauma of Bryant's sexual assault.

Both Bryant and Dorset County denied liability.

Bryant's wife, Lynn Bryant, passionately believed in her husband's innocence and she convinced several lawyers to represent him pro bono. She also convinced private investigators to work on his case pro bono.

The lawyers were able to convince the judge in the civil case to deny Day's demand for interim damages of £30,000 and the award of legal costs of £30,000, prior to a trial.

The [investigators discovered evidence](#) that Day was a pathological serial liar and fantasist. Day's fabrications included his lawsuit's completely false claim he was a champion boxer -- and in fact there was no evidence he had ever set foot in a boxing ring in his life. The investigators found that a witness statement in the lawsuit supporting Day's boxing claims had been written by Day and signed by a friend, who admitted the statement was false. The investigators also discovered that the pool table that Day claimed he was raped on wasn't pur-

chased until 1992 -- 15 years after the alleged incident. The investigators also discovered the fire station had been remodeled, and that Day's testimony matched the current layout -- while plans of the fire station as it was in the 1970s showed a different layout. The lawyers obtained Day's medical records and discovered that from at least 2000 to 2010 Day was treated for mental illness and being a "chronic liar."

Bryant appealed. In affirming his conviction in 2014, the Court of Appeals for England and Wales found his sentence was "unduly lenient," and increased it to 8-1/2 years.

Bryant filed a petition in March 2015 for leave to appeal his conviction based on the new evidence that Day was a compulsive liar and fantasist who fabricated his allegations against Bryant, and he was a gold digger who wanted to manipulate the legal system into a big payday for himself. The petition argued that the new evidence undermined the credibility of Day's testimony the jury relied on to convict Bryant.

In August 2015 a judge dismissed Bryant's petition. However, Bryant renewed his application and it was scheduled to be heard by a three-judge panel of the Court of Appeal. In March 2016 Bryant was granted leave to appeal.

The Crown Prosecution Service did not oppose Bryant's petition -- conceding that Bryant's new evidence undercut the credibility of Day's trial testimony.

On July 20, 2016 the Court of Appeal [quashed Bryant's conviction](#). In announcing the ruling, Justice Singh stated regarding the new evidence Day was a serial liar, that the one issue in the case was "credibility," and "This was vital to the jury's task of resolving the conflict in the evidence between the complainant and the appellant."



David Bryant and his wife Lynn Bryant outside the Royal Courts of Justice after Bryant's conviction was overturned on July 20, 2016. (Telegraph (London))

Justice Singh also stated: "We regret that these matters did not come to light earlier and that the appellant, a man of good character, has suffered the consequences that he has." The CPS informed the court it would not seek a retrial, and Bryant was immediately released after two years and seven

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Michael Kenneth McAlister Will Forfeit More Than \$1 million In Compensation If Convicted Of Drug Charge

Michael Kenneth McAlister will forfeit over \$1 million in wrongful imprisonment compensation if he is convicted of pending [felony drug charges](#) in Florida.

McAlister's saga began more than thirty years ago.

On February 23, 1986 a man attempted to rape and abduct a 22-year-old woman from the laundry room at the Town and Country Apartments in Richmond, Virginia. She told the police her assailant wore a red plaid shirt and a stocking mask hid most of his face. She also said she scratched his face while trying to fight him off.

The police made a composite sketch from the woman's description. An investigator thought the sketch resembled McAlister, who had a misdemeanor criminal record. When he was questioned he had no scratches on his face and adamantly denied involvement in the attack. He agreed to pose for a picture to be shown the victim, and he also agreed to wear a red plaid shirt. On March 3, 1986 the woman identified McAlister from that photo.



Michael Kenneth McAlister in 2015 (Richmond Times-Dispatch)

During McAlister's bench trial the prosecutor told the judge that he was guilty "pure and simple." The judge found McAlister guilty of both charges on September 24, 1986.

McAlister was sentenced to consecutive terms of 40 years in prison for abduction with the intent to defile, and 10 years for attempted rape. Fifteen years were suspended, so his final sentence was 35 years in prison.

After McAlister was convicted the lead detective in the case, Charles M. Martin, became convinced that the crimes had actually been committed by Norman Bruce Derr. Derr was a suspect in sexual assaults with a similar MO. Martin believed the victim misidentified McAlister because he was wearing a red plaid shirt and his face resembled Derr. McAlister's prosecutor, Joseph D. Morrissey, also suspected that McAlister had been misidentified, and stated that if he had known about Derr at the time of McAl-

McAlister was charged with attempted rape and abduction based solely on her identification. No physical or eyewitness evidence linked him to the crime.

He waived his right to a jury trial.

ister's trial he wouldn't have prosecuted him.

Martin and Morrissey testified before the Virginia Parole Board to urge McAlister's early release, which was denied.

McAlister then filed a clemency petition that included Martin's statement: "I am convinced that Mr. McAlister did not commit the crimes for which he is incarcerated and that he was simply misidentified by the victim." Virginia Gov. Mark Warner declined to pardon McAlister in 2003.

McAlister was released on mandatory parole on August 19, 2004. His parole was revoked in 2006 for violating conditions of his release, that included excessive drinking. He was returned to prison to serve the remainder of his sentence.

On June 7, 2013 Jerry Lee Jenkins was exonerated of a rape that DNA testing linked to Derr. That rape had been committed on February 6, 1986 by Derr while he was wearing a stocking mask and a plaid shirt. It occurred only 17 days before the rape that McAlister had been convicted of committing. At the time of that DNA testing Derr was in prison serving life sentences for his convictions of two 1984 rapes, one in Maryland and the other in Virginia. His convictions were based on cold case DNA testing conducted in one of those cases in 2004, and the other case in 2010.

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months in custody.

David Bryant, now 66, [told reporters](#) outside the court building after his conviction was quashed: "After over two years jailed for a crime I did not commit, today I am a free man. This was a case that should never have been brought, which has caused so much pain and hurt to me and my wife and our family. Danny Day is a fantasist and a liar and it is his actions and the failure of the police and the CPS that led to me, an innocent man, being wrongly jailed in a gross miscarriage of justice. While today is a victory and I am once again free, there are serious questions about how allegations of historic sexual abuse are investigated and dealt with. What happened to me must never be allowed to happen again. Being wrongly imprisoned as an innocent man is a living hell and something I wouldn't wish upon my worst enemy." Bryant also said, "This could happen to any decent citizen. That is the frightening thing about it. Some-

body has made an absolutely ludicrous allegation and the police have run with it."

Bryant [called for a](#) criminal investigation of Day (and possibly his friend) for perverting the course of justice and perjury. Bryant told reporters: "Dorset [police] didn't do a proper job. Their mindset was, if a "victim" comes forward they are to be believed."

Bryant credited his wife's support and perseverance [for his release](#): "I owe her everything, she is the one that has battled and fought for me and got me this far."

Lynn Bryant [told reporters](#) outside the courthouse, "Danny Day is an evil man. He was after the money."

After Bryant's release, there was criticism in England of the lack of a police investigation of Day's claims prior to Bryant being charged, and that the Crown Prosecution Service didn't vet the case and Day's credibility before proceeding to trial.

Based on the appeals court's ruling, Day's civil lawsuit will likely be dismissed either by Day voluntarily withdrawing it, or by the granting of a motion by Bryant and Dorset County to dismiss it.

It is not known if the government will seek repayment by Day of the £50,000 (US\$78,000) he was paid by fraudulently claiming to be the victim of crime. Day lives in Bromley, a suburb of London.

Sources:

[Fire chief wrongly accused of sex attack freed](#) after three years in jail thanks to loyal wife's detective work, *The Telegraph* (London, UK), July 23, 2016

[Fire chief wrongly convicted of rape freed](#) from 8-year prison sentence by devoted wife, *Mirror* (London, UK), July 26, 2016

[Fireman David Bryant found guilty](#) of raping schoolboy almost 40 years ago, *The Argus*, December 20, 2013

[Former fireman David Bryant jailed for six years](#) for raping schoolboy almost 40 years ago, *The Bournemouth Echo* (Bournemouth, UK), January 24, 2014

[Police and prosecutors criticised](#) after firefighter wrongly convicted of sex attacks solely on testimony of fantasist, *The Telegraph*, July 20, 2016

[The shocking case of David Bryant](#) reveals the fallacy that we can always spot a liar, *BarristerBlogger.com*, July 21, 2016