

To Whom It May Concern

Our Ref:
Your Ref:

19 April 2021

Dear Sir/Madam

**Testimonial for Dr Ahmos Ghaly.
Consultant Physician Genito Urinary Medicine and Forensic Physician Expert Witness.**

I provide this testimonial in relation to Dr Ahmos Ghaly's work in recent case where my client was charged with assault by penetration s2 Sexual Offences Act 2003. This was an extremely serious, sustained and egregious assault inflicted by way of punishment on the defendant's former girlfriend for her perceived infidelity. It was allegedly committed in the presence of their infant son. It was complicated by the following factors:

1. It was agreed that the defendant had assaulted the complaint to numerous other parts of her body and he had pleaded guilty to assault ABH for those other injuries,
2. It was agreed that the complaint had been broadly accurate and truthful about this assault ABH, but the defendant contended that the assault by penetration was a ,
3. It was agreed these were no internal genital injuries but certain external genital injuries that might be consistent with an assault in that region,
4. The defendant was under the influence of alcohol and possibly Class A drugs at the time,



5. The complainant had confided in a nurse that she had had sexual intercourse with another man shortly *after* the alleged assault by penetration (although she later denied saying this), and
6. The defendant, aged 20, had answered 'no comment' in police interview.

My client pleaded guilty to the assault ABH early on in proceedings. The more assault by penetration charge proceeded to trial.

This was arguably the most serious sexual allegation I have worked on in 17 years as a solicitor. Typically the defence case is either 'consent' or 'did not happen'. Here, there was clearly a sustained assault which had caused numerous minor injuries to other parts of the body. There was no questions of consent and there were also external genital injuries. The issue was penetration and gravity of harm.

My decision to instruct Dr Ghaly proved to be pivotal to the outcome of this case. The issue was whether the lack of internal vaginal injury was consistent with the allegations. Throughout, Dr Ghaly's advice was timely, with opinions relevant to the issue but always happy to articulate and expand further his explanation if required.

To our surprise, the Crown Court judge excluded any mention of the complainant's subsequent sexual intercourse with another man. This hugely reduced the points we could raise in rebuttal, including injury severity and causation. Dr Ghaly therefore gave evidence in limited but still very helpful form - in the face of a judge who was openly hostile to the defence case. There was a huge risk of conviction if the jury accepted the complainant's account. The trial ended in a hung jury. Had the defendant been convicted, the sentence would probably have been close of 10 years imprisonment. In my view it would have been a very serious miscarriage of justice and the main factor which prevented this was Dr Ghaly's testimony, limited though it was by the Judge's ruling.

Prior to retrial, the Prosecution then instructed their own expert witness. That expert reviewed all of the medical evidence, Dr Ghaly's report, and then drew his own conclusions. He spoke highly of Dr Ghaly's conclusions and both experts then liaised on a joint report. This report was not only consistent with the defendant's account, but also re-opened the admissibility question about subsequent sexual contact. The whole shape of the case had changed.

Shortly before retrial, the Prosecution 'offered no evidence' on the more serious charge of assault by penetration. This was a hugely fortunate outcome for a young defendant, in the face of a very hostile courtroom environment and what initially seemed like strong evidence against him. It would not have been possible without Dr Ghaly's work, turning around reports, updates and liaison with his opposite number very efficiently. I also understand Dr Ghaly also stood up well in court despite quite a hostile judge.

I have no hesitation in recommending Dr Ghaly for similar work and as an expert witness in this field. He literally averted a miscarriage of justice.

Yours sincerely

Alistair Parker, Solicitor
BRETT WILSON LLP