

The Pell Verdict

Pell v The Queen [2020] HCA 12

I have been asked to write about the High Court's judgment in Cardinal Pell's case which was handed down on 7 April 2020. This was followed by a frenzy of uninformed people making false assertions about what the judgment said and what it meant. Supporters of Pell continued to support him while his enemies continued to denounce him.

The False Choice

When Pell was initially convicted, his supporters asserted that the verdict was wrong. His enemies denounced his supporters on the basis that they were calling the complainant a liar and causing him further hurt and distress. The High Court expressly rejected this false choice. They unanimously held that verdict did not turn solely on whether the jury believed or disbelieved the complaint.

The court found that the jury had accepted the complainant's evidence as credible and reliable. However, they went on to find that the jury was required to consider the other evidence in the case and that, if the jury had acted rationally, this would have created a reasonable doubt in their minds.¹

Compounding Improbabilities

There were three facts that the court found created the reasonable doubt.² The court referred to these as the 'compounding improbabilities'. None of them alone would be sufficient, but when taken together (compounded), they were enough. These three facts were:

1. Pell greeted the congregation after the mass,
2. Pell was attended at all times while in church, and
3. There was high traffic into and out of the sacristy after mass.

Multiple witness gave evidence that Pell stood on the church steps and greeted the congregation as they left. This evidence was not contested by the prosecution. Pell could not have been in two places at once, so it is improbable that the crime was committed as alleged by the prosecution.

Furthermore, church law required that the Archbishop be attended at all times while in the church. His attendant at the time was Monsignor Charles Portelli who gave evidence that he was with Pell during mass, on the church steps and then accompanied him to the Sacristy to help him remove his robes. Therefore, it is improbable that Pell had the opportunity to commit the crime as alleged.

¹ Pell v The Queen [2020] HCA 12 at [119]

² Pell v The Queen [2020] HCA 12 at [118]

Finally, multiple witnesses gave evidence of the high traffic into and out of the sacristy after mass. This made it improbable that Pell could have committed the crime undetected.

Second Allegation

There was a further conviction arising from an allegation that Pell that he had groped a choirboy in a corridor. The high court quashed this conviction on the same basis as the first – that there were ‘compound improbabilities’ that created reasonable doubt.³

Abandonment of Reason

The Premier of Victoria put out a press release on the day of the judgment stating that he saw, heard and believed anyone who complained of sexual abuse. Apparently, this is so despite not knowing the accuser or the accused or seeing any of the evidence. This position is based on Marxist dogma rather than logic and reason and should be rejected by all right-thinking people.

I ask you to consider how you would feel if you or someone you cared about were falsely accused of a crime. Add to that the distress you would feel if the head of government then asserted that he believed your accuser despite having no personal knowledge of the allegation against you or the evidence supporting or refuting it. It was an outrageous statement that must be rejected by anyone who believes in justice.

As the High Court held:

‘. . . there is a significant possibility in relation to charges one to four that an innocent person has been convicted.’⁴

It is clear that Pell covered up child sex abuse for many years. For this reason, he is deserving of public scorn. But, however you feel about Pell, he served a year in the prison based on a jury verdict that was unsafe. One injustice does not remedy the other.

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³ Pell v The Queen [2020] HCA 12 at [125]

⁴ Pell v The Queen [2020] HCA 12 at [119]