

# Daily Mail

AUSTRALIA

## How George Pell has a 'reasonably good' chance of successfully appealing the child sex convictions that have rocked Australia... using the same grounds as Jill Meagher's despised killer

- George Pell is expected to appeal on grounds jury found 'unreasonable verdict'
- Australia's highest ranking Catholic was convicted of child sex abuse charges
- Legal sources said the Cardinal, 77, could likely make a 'reasonably good case'
- Same grounds led to Adrian Ernest Bayley having his rape conviction quashed

By [Daniel Piotrowski](#) and [Wayne Flower In Melbourne For Daily Mail Australia](#)

Cardinal George Pell's bid to overturn his child abuse convictions relies on the same grounds successfully used in an appeal by Jill Meagher's killer, Adrian Bayley.

A top defence barrister has claimed Pell, 77, has a 'reasonably good' chance of successfully appealing a [Melbourne](#) jury's unanimous guilty verdict.

Australia's highest ranking Catholic priest was taken into custody on Wednesday after being convicted for raping a 13-year-old choirboy, and molesting another, at Melbourne's St Andrew's Cathedral in 1996.

The attack was described by Victorian County Court Chief Judge Peter Kidd as 'callous' and 'brazen'.

Pell, 77, has maintained his innocence and will appeal the verdict on grounds including that the verdict was 'unreasonable' or 'unsafe', his lawyer has reportedly said.

His appeal comes as his conviction has been criticised by commentators who compared it to Lindy Chamberlain's wrongful murder conviction for baby Azaria's death in 1980.

High-profile supporters such as former prime ministers John Howard and Tony Abbott have also stood by the most senior Vatican official to ever be convicted of child sex offenses.

A top legal source believes Pell's lawyers have a case because of apparent flaws in the prosecution's side of the story.



Cardinal George Pell's last ditch effort to overturn his child sex abuse convictions is expected to rely on the grounds the jury verdict was 'unsafe or unreasonable'



Jill Meagher's killer Adrian Ernest Bayley had a separate rape conviction overturned by appealing on the grounds of an unreasonable verdict in 2016

'There's a reasonably good case for an "unreasonable verdict",' said the experienced barrister, who has run high-profile trials for both the prosecution and defence over his career.

'There does seem to be some real difficulties with the prosecution case.'

The barrister, who asked not to be named critiquing a court case, said biggest issue with the Pell prosecution case is defence evidence that the brutal assault at St Andrew's Cathedral in December 1996 may not have happened.

Prosecutors told the jury Pell orally raped and molested one boy in the priest's sacristy, and molested another, after they 'nicked off' from a Sunday solemn mass.

Pell's defence lawyer told the jury he would have always been accompanied by another priest or a sacristan.

The defence said he could not have been alone in the sacristy as the victim claimed.

'The evidence seemed to demonstrate a genuine unlikelihood there was an opportunity to commit the offence,' the legal source said.

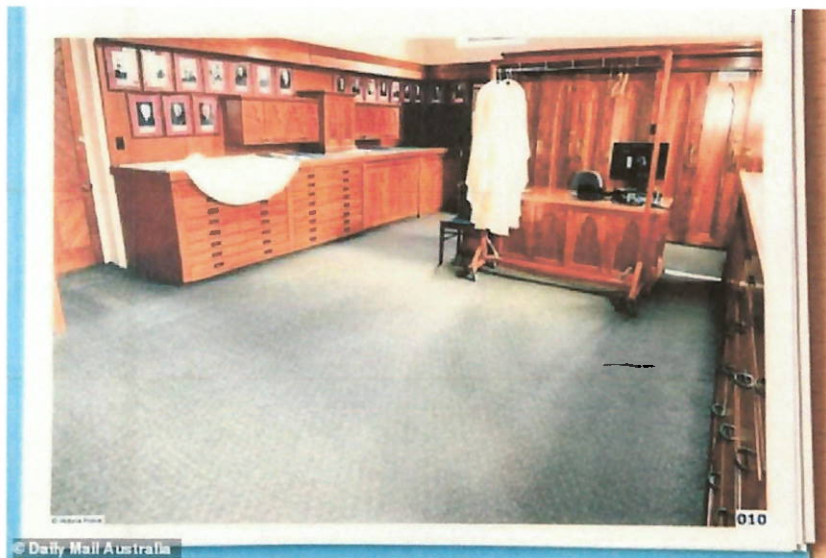
'That goes to the question of evidence of whether it didn't happen.'

But the jury accepted prosecutors' evidence the two other men would have been tending to other duties at the time.

Other possible flaws in the case included that one of the victims denied the abuse before he died, and the 'short time period' where the assaults took place.

That 'makes it a genuinely arguable case for an unreasonable verdict', the barrister argued.

But it's rare to win on unreasonable verdict grounds, although it does happen.

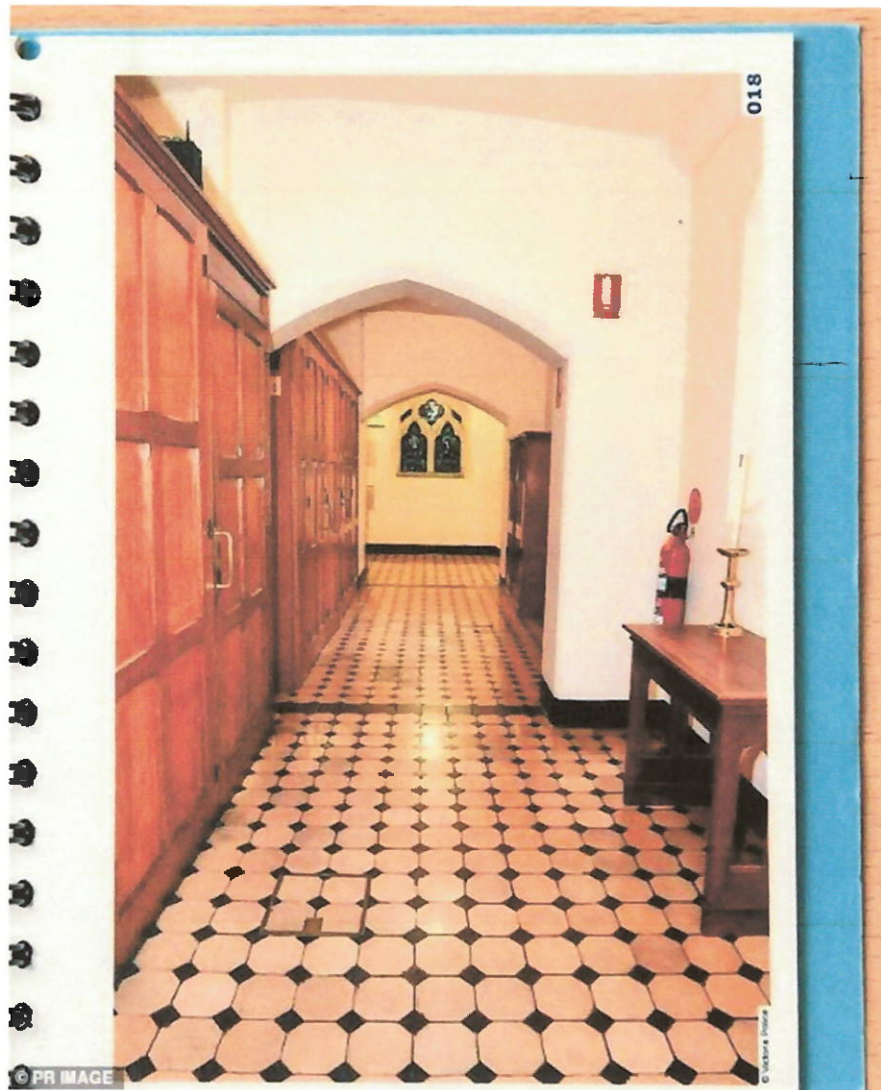


This is the sacristy of St Patrick's Cathedral in Melbourne, as it looks today and shown to the jury, where Cardinal George Pell molested two 13-year-old choirboys in his ceremonial robes



On the other side of the room is a kitchen sink and cabinets next to the altar wine cabinet, a small room with a white door left slightly ajar





Another look inside the cathedral where the two choirboys were attacked



The interior of the ornate Melbourne church, as seen in exhibits tendered in court

The court will ask if 'it was open to the jury to be satisfied beyond reasonable doubt' that Pell was guilty, the Victorian Criminal Proceedings Manual said.

But the appeals court gives the jury leeway because jurors have actually seen and heard from the witnesses.

Lawyers for Pell may look to similar big name cases where the court has quashed convictions.

Adrian Ernest Bayley, the predator who abducted and murdered Jill Meagher in 2011, had a rape conviction overturned on unreasonable verdict grounds three years ago.

A woman identified Bayley as her own rapist after seeing his image on Facebook in 2012.

She told a jury she could never forget his eyes.

Bayley's defence argued to the jury that she did not remember the correct colour of his car interior.

A jury eventually convicted Bayley of the rape and Bayley's legal team appealed.

His lawyers argued the verdict was 'unreasonable' because the evidence identifying Bayley was inadmissible in court.

The Court of Appeal agreed and overturned the rape conviction - because the jury could not have convicted Bayley without the crucial evidence.

Pell has been remanded in custody. He will be sentenced on March 17.

His appeal will begin immediately after.

## **IS THE COURT OF APPEAL THE END OF THE LINE FOR PELL?**



Criminal la

Criminal Lawyer George Balot

Cardinal George Pell's options will be limited if the Court of Appeal denies his bid to have his child sex abuse charges overturned.

High-profile criminal lawyer George Balot said options are limited for people who appeal, and fail.

'Once leave to appeal is determined an appellant generally can't have another shot in the court,' said Mr Balot, of Balot Reilly Criminal Lawyers.

'(That's) save for a petition of mercy if fresh evidence comes to light which could demonstrate a miscarriage of justice.'

Mr Balot said appellants can seek leave to appeal to the High Court of Australia 'in very limited circumstances'.