

Young footballer avoids conviction over rape committed as 15-year-old

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Wayne Flower Herald Sun

A YOUNG footballer who trains with Richmond has walked free from court after pleading guilty to a rape charge committed as a 15-year-old.

Thomas Ellard, 21, pleaded guilty to one charge of sexually penetrating a child under the age of 16 when the girl was 13.

The talented footballer, who hopes to become a physical education teacher, had faced up to 10 years in jail over the crime.

The County Court heard Mr Ellard's victim came forward to police a number of years after he snuck into her bedroom and convinced her to perform oral sex on him.

While Mr Ellard gave police a frank account in 2014 about what happened that night, he was not charged for more than a year later.

While Judge Ryan said there was no doubt the victim had suffered since the incident, he did not accept all of her subsequent problems had been caused by Mr Ellard's behaviour.

The court heard had Mr Ellard been dealt with quicker by police, he would have been sentenced as a child in the Children's Court.

"I now sentence you as an adult for a crime you committed as a 15-year-old child," Judge Ryan said.

Mr Ellard's lawyer, Balot Reilly's George Balot, delivered an apology on his client's behalf for the crimes he committed.

Judge Ryan said he accepted Mr Ellard had matured into an honest, sensitive young man who was hardworking and respectful to women.

He described him as a talented footballer, who trained with Richmond, but played with Sunbury.

Judge Ryan praised Mr Ellard for his charity work and acknowledged the prosecution threatened to end his dreams of becoming a teacher.

"This prosecution has put your life on hold," he said.

Judge Ryan released Mr Ellard on a 12-month good behaviour bond, without conviction, warning him he would be resentenced if he misbehaved.

Outside court, Mr Balot called for a change in the legislation.

"The state of the current legislation is unsatisfactory and it's in the interest of justice that it be revised by the legislature," he said.

"A child's honest belief at 15 years of age regarding the age of the victim is not a defence to the charge even where there is an age gap of as little as two years and three months."

Mr Balot said while children had no defence, a person aged 50 who had sex with a 15-year-old in circumstances where the accused at the time honestly believed the victim was 18, did.