

A case of RAPE BY DECEPTION

Jennifer Saunders , age 18, sentenced to six years in prison for two counts of indecent assault , Doncaster County Court 1991. Saunders, a young woman, was tried and convicted of sexual assault on the grounds that she had only obtained the consent of her female sexual partners through serious mis-representation, namely by passing as a male at the time.

Regina v. Saunders

Excerpts of the official court documents during the Crown Court Trial at Doncaster County in 1991.

In appearance:

The court clerk

For The Prosecution: MR. P. KELSON

For The Defence: MR. M. ROBERTSHAW

The Complainant: REBECCA JAYNE ANDREWS

The Defendant: JENNIFER LYNNE SAUNDERS

Reference reading: Rape by Deception and the Policing of Gender and Nationality Borders
by Aeyal Gross, published at TULANE JOURNAL OF LAW & SEXUALITY
A Review of Sexual Orientation and Gender Identity in the Law VOLUME 24 2015

REGINA V JENNIFER LYNNE SAUNDERS**THE COURT CLERK:**

Members of the jury, the defendant, Jennifer Lynne Saunders, stands charged on this indictment which contains two counts. On the first count she is charged with indecent assault and the particulars of the offence are that on a day between the 27th day of January, 1990, and the 29th day of May, 1990, she indecently assaulted Rebecca Jayne Andrews, a female person. The the second count she is charged with indecent assault and the particulars of the offence are that on the 15th day of May, 1990, she indecently assaulted Helen Louise Edwards, a female person. To this indictment she has pleaded not guilty and it is your charge to say having heard all the evidence whether she is guilty or not.

(REBECCA JAYNE ANDREWS Sworn
Examined by MR. KELSON)

Q. Now, your full name and address, please?

A. It is Rebecca Jayne Andrews, 54 Browning Road, Herringthorpe, Rotherham.

Q. Can you tell us your date of birth, please?

A. 19th of the 5th, 1974.

Q. I want to take you back to the 27th of January of 1990. I think on that day, which was a Saturday, you went to The Labour Club, Nelson Street, Rotherham, because there was a birthday party there for your mum. Is that right?

A. Yes.

Q. Let me ask you this. Did you meet somebody there during the course of the party?

A. Yes.

Q. And did that person tell you their name?

A. Yes.

Q. And what was the name that the person gave you?

A. James Lee Saunders.

Q. Well, during that evening what did you and James do together? How did you get to see each other or know each other?

A. We were playing pool at first in the pool room and he was sat across. Then they asked us if we wanted, me and my friend, if we wanted a game of doubles, so I decided to play pool with them. Then I started dancing and talking. We arranged to meet the next day.

Q. Where did you meet?

A. Outside The Labour Club.

Q. Where did you go after you had met?

A. To my house.

Q. What did you think of James, having seen him the night before? What were your feelings towards him?

A. I just knew him as a boy.

Q. How did you feel towards him?

A. Attracted.

Q. Well, you help us with what developed. Did anything happen between you that night?

A. We kissed the first night and that was all

Q. Just a moment.

A. and talked.

Q. You kissed and talked. How often after that did you see each other?

A. Every day.

Q. Every day. Did you find out anything about James, about his family?

A. He told me that he had a sister called Jennifer Saunders and she lived in Lincoln and she was adopted because his mum and dad died in a car crash with his brothers.

Q. Well now, going into the relationship, as time is passing now, it is not the first date or the second date but going into time, how did your feelings towards James develop?

A. Strongly.

Q. And how deeply would you describe your feelings for him at that time? Did you like him as a friend or like him more than a friend? Did you love him? What sort of feelings did you have as things developed?

A. Like you do when you go out with somebody.

Q. Like you do when you go out with somebody.

A. Yes.

Q. What sort of clothes do you remember he used to wear?

A. Baggy ones. Shorts, T-shirts, jeans, jumpers. Always baggy T-shirts.

Q. Well, you have told us about kissing on the first night. Tell us a little more about what developed as time went on as you got closer to each other. How did the physical relationship develop, if at all?

A. Into a sexual one.

Q. You do not have to perhaps go into too much detail. What sorts of things did James do to you?

A. Touched me ..

Q. Touched you where?

A. On my breast.

Q. Did he touch you anywhere else? Do not be embarrassed about telling us a little of the detail. We need to know a little of what happened. Where else did he touch you?

A. On my vagina.

Q. Was that just on the outside?

A. Both out and in.

Q. And when we are talking about touched are we talking about hand and fingers?

A. Yes.

Q. At that stage. What about you touching James? Did you ever try and touch him?

A. Yes.

Q. What happened when you tried to touch him?

A. He just froze and would not let me go inside his pants.

Q. What did you think of that?

A. Nothing. I just accepted - respected his wishes.

Q. And you know what an erection is?

A. Yes.

Q. Did you ever see whether he appeared to have one of those?

A. Yes.

Q. Tell us a bit about that. Tell us a bit about how you came to see that, what the circumstances were.

A. He had underpants on.

Q. He had what?

A. Underpants on.

Q. When you had your sexual relations, whatever they were, was the light ever on?

A. No.

Q. And when he was on top of you did you kiss?

A. Yes.

Q. And tell us a little about what happened next, what you did to James or what James did to you.

A. Touching me.

Q. Where was he touching you?

A. On my breast.

Q. Carry on.

A. And my vagina. Then he - I do not know how to say it.

Q. You do not want to say it?

A. I do not know how to say it.

Q. All right. Use any words you like. Do not be worried about it. Tell us what happened.

A. Began to make love to me.

Q. I did not hear that.

A. Began to make love to me.

Q. How did that feel to you when he began to make love to you?

A. When he was putting it in, it was sharp at the end.

Q. Did it hurt?

A. Yes.

Q. Or cause you any pain?

A. It hurt and I pushed him away.

Q. Carry on.

A. I asked if he had got a banana because sharp, felt like that, and he said he was going to shock me.

Q. It felt sharp like the end of a banana and he said he was going to shock you. Well, what happened then? What did he say back or

A. He said that I have embarrassed him.

Q. Go on.

A. I asked him why. He said that when he was 14 he could not ejaculate, so he had to have a tube put down to help him and it was the tube that was sharp.

Q. Tube put down where?

A. His penis.

Q. Did you believe that?

A. I do not know anything about males when they cannot ejaculate, so I did not know.

Q. Did you have any cause not to believe James?

A. No.

Q. Well, what happened after you had had that talk?

A. He - I asked him why he was holding it and he said it was dangerous because if the tube broke inside him it would cut the insides.

Q. And tell us a bit about - you have just had to tell us he was holding it.

A. Yes.

Q. Was that all the time when he was inside you?

A. Yes.

Q. Had one of his hands down there, did he?

A. Yes.

Q. Well, tell us what happened next.

A. He just kept trying and it kept hurting and he got so much up. It really hurt.

Q. And did you carry on or did you give up?

A. Give up. We kept trying on several occasions.

Q. When you actually succeeded, when he actually managed to get inside you, how long would it last? How long would he be moving up and down on you?

A. I cannot remember.

Q. Well now, you just have a look in this book for us, will you tell us what it says?

A. Read it out?

Q. Yes, please. –

A. "All the time I'm near you, my heart is loved. Your heart is little and sweet, just like my feet, strong and nice, just like the one I have got to love. But remember you are ugly and sweet, just like when we first meet in the street. I know I want you, and you wanted me, and look what has turned out. Two young teenagers in love. I said you were ugly. I was only kidding. So stand on your feet, when you need me, and you will see the real me, and not my feet, not my teeth, but the real me. So let's meet under the sheet, and be as sweet as each other. "

Q. Well now, Rebecca, can I just ask you some more questions about the time when you and James were together? Did you ever try to get your hand down his shorts?

A Yes.

Q. And did you ever manage to get your hand into his shorts?

A No.

Q. And whilst you have been trying to get your hands into the shorts did you ever feel anything unusual or anything at all?

A. What - seemed to feel like a penis, yes.

Q. And have you ever felt anything else about his body?

A. Yes.

Q. What?

A I once put my hand on his chest and he pushed me away and I felt a lump and he says - I asked him what it was and he said he had got a boil on the left side of his chest.

Q. And what did you think of that?

A. And then I said, "Well, it's not that big", and he said he had got cancer in the chest. Having not seen cancer in the chest I did not know what it looked like.

Q. When you were talking about his chest did you have any thoughts? Here you wondering about him at all?

A. Yes, I wondered what it was but he just kept saying it was cancer in the chest.

Q. Did you ever at any stage wonder whether or not James might not be a boy; might in fact be a girl?

A. No.

Q. Did he ever admit that he was a girl?

A. No.

Q. Would you have had any sexual relations with that person if you had known that they were a girl?

A. No, none whatsoever.

(REBECCA JAYNE ANDREWS Cross examination
by MR ROBERTSHAW for the Defence)

Q. Have you ever referred to Jimmy by a female name?

A. There was once when he said - he was messing about and said Jenny, so I used to say, "Jenny, Jenny." Then he got snappy and angry and said, "Stop calling me Jenny. My name is Jimmy."

Q. You knew full well this person Jimmy was a girl.

A. No, I did not.

Q. . . . did not you? You would not accept it because you felt to some extent humiliated?

A. I never knew it was a girl ..

Q. You felt humiliated because you had given the impression to your parents that you had formed a relationship with another male. That is right, is not it?

A. I felt disgusted when I found out that it was a female.

Q. Pardon?

A. I said I felt disgusted when I found out that it was a female.

Q. I suggest you were embarrassed when Jimmy revealed that.. ..

A. Jimmy did not reveal that he was a female.

Q. . . . he was a female. At that stage you told this person Jimmy to carry on pretending that you were boy and girlfriend because of the embarrassment that you would feel because of your parents?

A. That is not true.

Q. You were 15 years old at the time?

A. Yes.

Q. You are very frightened of your parents, are not you?

A. Sorry?

Q. You are very frightened of your parents?

A. No.

Q. You were very frightened to reveal that this Jimmy was in fact a female?

A. I did not know he was a female.

Q. You pleaded with this Jimmy to continue to pretend that you were boy and girlfriend because of what your parents might think?

A. No.

Q. You were too embarrassed to reveal what the true situation was. That is right, is not it?

A. I knew him as a boy and that was it.

Q. How often do you say you had sexual intercourse with this person Jimmy?

A. Numerous occasions.

Q. Sorry?

A. Numerous occasions.

Q. Are we talking about once a week, twice a week or what? Be a bit more definite?

A. Pardon?

Q. Can you be a little bit more precise as to how many times you say you had sexual intercourse with Jimmy?

A. About six times a week.

Q. About six times a week.

A. Yes.

Q. On each of those occasions do you say that something was inserted inside your vagina by that person?

A. What I thought was a penis, yes.

Q. So I make it quite clear - I am pursuing this line of cross-examination - quite clear to you that I am suggesting that on no occasion had you had any sort of sexual intercourse with Jimmy. Do you understand?

A. Did have sexual intercourse.

Q. You say it was always in the dark?

A. Always in the dark.

Q. And you thought throughout that a penis was being inserted inside you?

A. Well, what else do boys have?

Q. I do not want to embarrass you any more than I have to in the circumstances but you say on none of these occasions did you ever see

A. On none of the occasions.

Q this person's penis?

A. Never.

Q. Never.

A. Never.

Q. And each and every occasion you are saying that he - she - penetrated you?

A. He penetrated me.

Q. Did you ever touch his private parts at all whilst you were doing this?

A. Not whilst we were doing it but

Q. Sorry?

A. Not whilst we were doing it.

Q. To use your words, on the occasion you were making love you never touched any of his private parts at all?

A. Before, yes, but not while making love.

Q. And which private parts have you touched before?

A. His penis.

Q. You thought it was a penis?

A. Yes.

Q. You touched it?

A. Yes.

Q. I do not want to cause you embarrassment but when this thing you thought was a penis was inside you did - how long did it last for?

A. I do not know.

Q. Sorry?

A. I do not know.

Q. Well, think back. How long on these occasions when you say you were penetrated, how long do you say

A. Cannot remember.

Q. this penetration lasted for?

A. I cannot remember.

Q. Sorry?

A. I cannot remember.

Q. How long did this lovemaking session last for?

A. I cannot remember.

Q. Or sessions?

A. Cannot remember.

Q. Are we talking about a couple of minutes, quarter-of-an hour, half-an-hour?

A. I do not know.

Q. You do not know.

A. Quite a while but I do not know.

Q. The reason you do not know is because it simply never took place, did it?

A. The reason I do not know is because I did not sit there with a bloody stopwatch.

Q. It is a while ago, this matter. Something you are not likely to forget if it happened, are you?

A. No.

Q. Sorry?

A. It did happen and I do not think I will ever forget.

Q. Finally I must suggest your evidence is just simply a pack of lies, is not it?

A. No.

Q. To use the phrase hell hath no fury like a lady scorned, in some way you are trying to get back at Jennifer Lynne Saunders because of the humiliation you felt through the fact it is now revealed to you very early on that you had found an attraction to a female?

A. At no time did I know that he was a female.

**(JENNIFER LYNNE SAUNDERS SWORN
Examined by MR. ROBERTSHAW)**

Q. Is your full name Jennifer Lynne Saunders?

A. Yes.

Q. And how old are you?

A. 18.

Q. I want you to cast your memory back now some time ago to January of last year. Now, in January of last year did you attend a party at the Labour Club on Saturday, 27th January?

A. I did.

Q. Now, on that occasion when you went to the Labour Club can you describe what sort of clothes you were wearing?

A. I had a pair of light blue jeans on and a green striped shirt and a pair of Reebok trainers.

Q. What was your hairstyle like?

A Just a bit shorter than it is now, flicked at the side.

Q. Did you wear any coat on?

A. No coat at all.

Q. And who did you go to the Labour Club with?

A. My friend from Rush House, Peter.

Q. Now, it is not in dispute that, having gone to the Labour Club on that evening, did you at some stage begin talking to a young lady by the name of Rebecca Jane Andrews?

A. At some stage, yes.

Q. And is it correct that you were introduced to her as being called "Jimmy"?

A. By my friend, Peter, yes.

Q. Now, in your own words what was the reason for that? Why were you introduced as being called Jimmy?

A. It was a joke.

Q. What do you mean by "a joke"? What were you trying to be funny about?

A. Nothing. I did not say it. It was Peter what said it.

Q. Were you in any way trying to put yourself forward as being a male at that stage?

A. No.

Q. Do you accept that Rebecca Jane Andrews at that stage gained the impression that you were a male?

A. Yes.

Q. Did you at any stage that evening inform her that you were, in fact, a female and you were not called Jimmy?

A. No.

Q. Why was that?

A. Because we were not talking that much. We just had a game of pool and that was it.

Q. Did you gain any impression during the course of that evening at the Labour Club that she in some way fancied you?

A Yes, she did.

Q. You think she did?

A. Yes.

Q. Do you know what I mean by that?

A. Yes.

Q. Did you at any stage from that point onwards try and pass yourself off as being a male by the name of Jimmy?

A. No.

Q. Did you get the impression that Rebecca thought you were Jimmy?

A. Oh, yes.

Q. How had she gained that impression?

A. Probably because from the night before how I was dressed. I had my shirt on and my jeans.

Q. On these occasions when you were in the company of Rebecca did you ever kiss her?

A. Never.

Q. Did you ever put your arms round her?

A. Never.

Q. Cuddle her?

A. Never.

Q. Did you have any sort of intimate sexual contact with her?

A. Never.

Q. You recall her evidence yesterday - she said in evidence that, after a while, she started having sexual intercourse with you, do you understand?

A. Yes.

Q. Do you understand what is meant by "sexual intercourse"?

A. Yes.

Q. On occasions you inserted something into her vagina. Did that ever happen?

A. Not once. Never.

Q. Did you ever discuss with her having boils on your chest?

A. Never, no.

Q. Or having had an operation which involved a tube being placed near your penis?

A. Never, never.

Q. Did you ever have conversations with her which were of a sexual nature?

A. Never.

Q. What type of clothes were you wearing when you were in the company of Rebecca?

A. Either jeans or shorts, different coloured t-shirts and a jumper and, if it was cold, I would sometimes wear my coat.

Q. Some witnesses have said you seemed to be wearing a coat virtually all the time with a baggy-type t-shirt?

A. I only wore my coat when it was cold.

Q. Did there ever come a stage when you finally got through to Rebecca that you were, in fact, a female?

A. Yes.

Q. How long after that first meeting was it that you finally

A. It was about three or four weeks.

Q. And what did you tell her on that occasion?

A. I finally got it through to her that I was a girl as I proved it to her.

Q. And did she accept the situation? ~

A. She accepted the situation but she was so frightened of her parents she did not want them to know.

Q. So what happened after that?

A. After I finally got through to her she kept begging me to pretend I was her boyfriend. and at first I thought it was a bit stupid and she said "please" because she

was embarrassed about her parents and I did.

Q. Now, the jury have been given copies in a bundle of various poems and letters which you are alleged to have written to Rebecca. Of course, you have seen copies of those letters. Do you accept you have written

A. I accept I have written them, yes.

Q. The letters contain remarks such as "I want to get married and have a family"?

A. I accept I wrote that, yes.

Q. Things of that nature. Why did you write those letters?

A. I wrote those letters as Rebecca used to say to me, "Write me letters to convince my mum and dad you are a boy just in case they find out you are a girl".

Q. Do you accept you also signed "Jimmy" on various birthday cards?

A. Yes, as she was pretending to be my girlfriend she asked me to send cards to her family with "James" on or "Jimmy".

Q. Moving on, after you said you had agreed to carry on this pretence of being boy and girlfriend, did you ever kiss Rebecca in front of her parents at all?

A. Not once.

Q. Or any other sort of familiar contact?

A. Not once.

Q. Did you ever cuddle her?

A. Not once.

Q. Embrace her?

A. What?

Q. Did you ever put your arms round her?

A. Not once.

Q. Did you ever go into the gents' toilet?

A. Not once.

Q. How did the relationship with Rebecca come to an end?

A. It was about four/five months after I had just had enough. I had my own boyfriend and I wanted to get out of it because it was getting more-or-less serious and I could not take any more so it was spring bank holiday and I said, "Look, Rebecca, I've had enough. I am not playing your silly games no more" and I just walked out.

Q. Now, Saunders, moving on to Helen Louise Edwards, it is alleged that, on the 15th May of last year, you indecently assaulted that young lady at a flat. Did anything happen at all between yourself and Helen Louise Edwards whilst you were alone together in that flat?

A. No.

Q. Did you, as alleged by the Prosecution, take that young girl into the bedroom of that flat and proceed to have sexual intercourse with her?

A. No.

Q. Did you ever become aware of any blood stains on any bedding

A. No.

Q. inside that flat?

A. Only when I got arrested by the Police.

Q. We know you were arrested and later interviewed at the police station. Finally, Miss Saunders, did you on any occasion set out to pass yourself off as a male?

A. No, at the time I was courting.

Q. With the intention of deceiving those two females, Rebecca Jane Andrews and Helen Louise Edwards, into thinking you were a male?

A. No.

Q. Did you at any stage ever have sexual intercourse with those two females?

A. Never

Q. Did you ever indulge at all in any sort of sexual contact with those two girls?

A. No.

**(JENNIFER LYNNE SAUNDERS
Cross-Examined by MR KELSON)**

Q. Those photographs were taken on at least four separate occasions during January to May when you were with Rebecca or she was with you, whatever. Do you accept that on all those photographs you do look like a boy?

A. Not really, no.

Q. And I think it is right to say, is it not, that during that period of time you never dressed in women's clothing, did you?

A. My clothes I had were unisex.

Q. Did you have any skirts or dresses?

A. Not really, no.

Q. And you never wore makeup, did you?

A. Sometimes I might have done.

Q. wanted to look like a boy, did you not?

A. No, I wanted to look like myself.

Q. What do you say you showed to Rebecca to show her you were a girl?

A. I just showed her my vagina and my boobs.

Q. Did you?

A. Yes.

Q. What do you say you did - took your clothes off in front of her?

A. Just pulled them up and down.

Q. for three-or-four months, you pretended to be her boyfriend.....

A. I showed Rebecca Andrews my parts to prove to her that I was not a boy and I was called Jenny Saunders.

Q. Do you remember, after the incident with Helen that is being alleged, Did you ever inserted anything into Helen's vagina?

A. I didn't do it. I'm not mental.

Q. Jennifer, is the reason that you are pleading not guilty because you are frightened people will think you are mental?

A. No, not at all.

(The Court adjourned at 4.10 p.m.)