

consultation was with [K] and [H] the investigating officers. It was agreed that final directions on Atkinson should await the conclusion of the related McKee criminal proceedings and a review of the evidence available. There were other consultations more specifically dealing with the case against the McKees but most of those were dealt with by Raymond Kitson. He directed the prosecution against the McKees before I took over while I was more specifically dealing with the Atkinson case.

5. On 19 December 2001, a separate file was passed to the DPP which related to the prosecution of the Atkinsons and Hanveys and I took conduct of it. This was a full file and I don't recall there being anything missing which I would have expected to see. From then, I was essentially concerned with the Atkinson case until about September or October 2002 when I hander over the file to Ivor Morrison. There is a document dated 25 October 2002 (p20021) which refers to a draft direction that was produced by me. A copy is now produced and shown to me marked "MKM2". The case then passed to Ivor Morrison who issued the final direction (based upon my draft) and dealt with the remainder of the case. That was after the conviction of the McKees.
6. As to whether those 2 cases should have been put together on the one indictment was a matter for Mr Kitson at that time but I can see the sense of clearing the case against the McKees, as Andrea was going to plead guilty, and then proceeding to deal with the others. The issue of deferring the sentencing of Andrea McKee for her to give evidence was raised. I can state clearly that there was no such practice in Northern Ireland and certainly not in my experience. I'm aware that PONI advocated that but it was not considered appropriate. Carl Simpson QC advised to that effect.
7. Gerald Simpson QC advised on the prosecution of Atkinsons and Hanveys. He was of the view that without better evidence of Allister Hanvey's coat, which was allegedly burned, there could be no reasonable prospect of a conviction of Thomas and Allister Hanvey. The police had pursued that line of enquiry as far as they could but Tracey Clarke was unwilling to give evidence and without her it would fail. Following that I prepared a draft direction to prosecute Robert and Eleanor Atkinson and Kenneth Hanvey.