

J were there. Andrea McKee was not there. On 25 February 2004 I attended another consultation with the same people. I did not take a note of either consultation but I have seen Ivor Morrison's brief note dated 30 March 2004, containing page number **33865**. I turned up very late to one of those consultations and had to be filled in on what had happened, but I do not remember which one.

16. As a result of those consultations it became clear that Andrea McKee could not be put forward by the Prosecution as a witness of truth. Further investigations had failed to provide any evidence that she had been to Pendine Park Surgery on 19 December 2003. I recall that the police still wanted to proceed but on 25 February Gerald Simpson QC and I advised against that because Andrea's credibility was shot. She was the essential Prosecution witness and without her there was little or no evidence against the Atkinsons and Kenneth Hanvey; the case could not proceed without her. I am unaware of any other reason for why the case did not advance. Due to the nature of the case it was Alastair Fraser, the Director of Public Prosecution's decision whether or not to withdraw the prosecution; I believe a consultation was arranged between Gerald Simpson and Mr [REDACTED] the Deputy Director of Public Prosecutions. Ivor Morrison may have made notes of this meeting but I do not have a copy. As a result of that meeting, Gerald Simpson was instructed to consult with Andrea McKee to assess her credibility as a Prosecution witness, which he did on 2 March 2004. I was not present at that consultation. I have now been shown the advice of Gerald Simpson QC dated 15 March 2004, containing pages **33915 – 33918**, which I had not seen previously. I cannot comment upon it other than to say that I agree with the contents of it. He advised that Andrea could not be put forward by the Prosecution as a "witness capable of belief"; I would have shared that view.
17. The issue of whether Andrea McKee went to Pendine Park Surgery on the night of 19 December 2003 was a wholly peripheral issue and not directly relevant to the evidence in the prosecution of the Atkinsons. However, having determined that she