



ATKINSON, ATKINSON AND HANVEY

██████████ rang me at home at 5.50 pm on 18 March in regard to my letter and enclosures of that date.

He had discussed the papers with the Attorney General.

The Attorney General noted that Witness A had pleaded guilty to the offence of attempting to pervert the course of justice. I observed that this was a factor which I had weighed. Unlike England and Wales, there was an opportunity in Northern Ireland for counsel to confer with the witness. In this case, I had sought views as to the witness's general credit. It was counsel's clear advice that he could not advance her as a credible witness. I agreed. I noted that in any event that Witness A was an accomplice and that a judge would have to warn the jury about the dangers of convicting without corroboration.

The Attorney General had indicated that he wished to be in the strongest possible position in relation to defending any decision which I reached.

I read to Mr ██████████ a prepared statement for the court.

Having discussed this with him, I amended it in particular to indicate that the witness's explanation for her failure to attend court on 22 December 2003 is such as to undermine the witness's general credibility in relation to the charges before the court.

I subsequently discussed this amendment with the deputy Director, who was in agreement.

██████████
DIRECTOR

19 March 2004

24 March 2004

**FINAL VERSION COMMUNICATED TO MR MORRISON ON 18 MARCH
2004**

As your Worship is aware, the main prosecution witness, Witness A, did not appear before Craigavon Magistrates Court on 22 December 2002. Certain reasons for her inability to attend were provided to the court.

Extensive police enquires had been conducted into these reasons and the Director instructed Senior Counsel to confer with the witness. Senior Counsel has now provided his written advice in regard to these matters which the Director has considered.

Having regard to that advice, the Director has concluded that the nature of the witness's explanation for her failure to attend court on 22 December 2003 is such as to undermine the witness's general credibility in relation to the charges before the court and accordingly the Director has concluded that there is no longer a reasonable prospect of obtaining a conviction.

I would apply to withdraw these proceedings.