



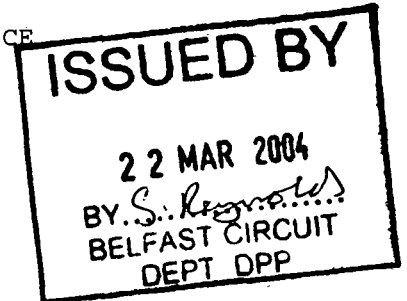
Department of the Director of Public Prosecutions



PSNI Ref: C356/30/01

DPP Ref: 238326

Subject: CONSPIRACY TO PERVERT THE COURSE OF PUBLIC JUSTICE
R v ROBERT ATKINSON & OTHERS



Chief Constable

FURTHER DIRECTION - PART I

I refer to the direction issued on 1 April to prosecute Robert Atkinson & Eleanor Atkinson on indictment for an offence of conspiracy to pervert the course of public justice and to prosecute Kenneth Hanvey on indictment for an offence of doing an act with intent to pervert the course of public justice.

At the time these directions were issued it was the police assessment, with which this department agreed, that Andrea McKee, whose evidence was essential to prove the offences directed, was a willing and credible witness.

Upon committal papers being served on the defendants, they all required, through their solicitors, that Andrea McKee should give oral evidence at the committal proceedings.

Arrangements were put in place by investigating police to secure Andrea McKee's attendance at court. On 27 October 2003, she did travel from her home in Wales to Craigavon, but for reasons unconnected with her the proceedings did not go on. She was due to be accompanied again by police to Craigavon on 22 December 2003, the re-arranged date for the committal.

On 21 December 2003 Andrea McKee informed police by telephone that she would be unable to travel to Northern Ireland the next day because of the illness of her two-year-old son. She provided specific and detailed oral information about this illness.

On 22 December, prosecuting counsel informed the court of the witness's absence and the reasons she had given for it. The proceedings were adjourned by the court with the consent of the defence, subject to the prosecution providing satisfactory documentary evidence of the reasons which prevented Andrea McKee from traveling.

Extensive police enquiries have been conducted into these reasons and the Director instructed Senior Counsel to confer with Andrea



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McKee. 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 her 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.

At Craigavon Magistrates Court on Friday 19 March 2003, all charges against the three defendants were withdrawn on the application of prosecuting counsel.

I direct no prosecution.

R.I.M. Morrison
for Director of Public Prosecutions

22 March 2004