

Note for File

R -v- MCKEE AND MCKEE

MEETING ON 31 JANUARY 2002

Those present: Mr Carl Simpson QC
Detective Chief Superintendent C Stewart
Detective Inspector K [REDACTED]
Detective Sergeant H [REDACTED]
Mr Matthews
Mr Kitson

The purpose of the meeting was to determine what was the position in relation to the case of McKee and McKee in terms of the arraignment and possible pleas to be entered by Mr and Mrs McKee. It was noted that the case was listed for the 4 March.

Mr Simpson indicated to me that no Counsel representing the defendants had approached him with any indication as to what the likely pleas were to be.

The issue of Mrs McKee's possible guilty plea as indicated to police was discussed. Mr Simpson was briefed on the position in regard to her expressed willingness to give evidence in any future prosecution of other persons involved in the conspiracy to pervert the course of justice regarding the telephone call.

The issue as to whether Mr McKee would be willing to give evidence against the others was raised. It was noted that no approach had been made by police to Mr McKee in this regard. This was a matter for police. However, if an approach was to be made to Mr McKee it was made clear to police that no representations or undertakings of any nature whatsoever should be made to Mr McKee in regard to any possible sentence that he might receive at the Crown Court. Police were to consider whether to approach Mr McKee at this stage prior to his formal arraignment or whether to await the formal plea of guilty, if it was to be entered, at the Crown Court.

In regard to Mrs McKee, Senior Counsel indicated that his view was that Mrs McKee would proceed to be sentenced by the trial judge. He did not consider it either appropriate or indeed normal in this jurisdiction for a defendant to plead guilty and then have sentence deferred on the basis that he or she would be giving evidence for the prosecution in any future case against co-defendants. Senior Counsel indicated that that had been made in various practice in this jurisdiction and that there was case law to this effect.

It was agreed that no decisions on the main file (R -v- Atkinson and others) with Mr Matthews could be made until the issue as to whether Mrs McKee (and indeed possibly Mr McKee) would be prepared to give evidence if required against the co-defendants.

It was a matter for police to reflect and consider whether to approach Mr McKee at this stage or wait until a formal plea had been entered by him.

Mr Kitson undertook to inform Mr Mahaffey of the Ombudsman's office of what had been discussed during the meeting.



RAYMOND A KITSON
8th February 2002