

Having sought evidence from the doctors it was clear that other evidence would be required to support the account given to the court. Further enquiries were made of Ms McKee. The result of those enquiries and the investigation that followed only indicated that Ms McKee was prepared to put forward a complex and untruthful account in an attempt to support what she had said earlier about the seriousness of her child's illness and the reason why she had been unable to attend court.

21. I have been shown the opinion of Gerald Simpson QC, dated 15 March 2004 [page **40231**], in which he states that he believes Ms McKee's explanation to be untruthful in light of police inquiries. Gerald Simpson QC is an extremely experienced criminal silk. He had had opportunity to speak and consult with Ms McKee and his views as to her credibility would have held weight. His opinion in support of the Director's statement would have been persuasive for the Attorney General.
22. The issue before the Attorney General was whether he thought the conclusion that the Director was minded to reach – that is that Ms McKee was not a credible witness – was a reasonable one. The issue of whether or not Ms McKee had been truthful about the seriousness of her child's illness and whether or not she had visited Pendine surgery as claimed is, of course, separate from the issue of whether the evidence she gave in support of the prosecution was true. The Attorney General was aware that Ms McKee had pleaded guilty to an offence of perverting the course of justice. The Attorney General was aware of the seriousness of the offences faced by Atkinson Atkinson and Hanvey. He was also aware that the evidence to be given by Ms McKee was of paramount importance in determining whether the Test for Prosecution was met. He knew that Ms McKee would be treated as an accomplice and that the judge would have to give a warning to the jury about placing weight on her uncorroborated evidence. In those very particular circumstances, the credibility of Ms McKee would have been crucial to any prosecution and a central issue for the defence. Ms McKee had already lied in proving the alibi. It appeared that she then decided that she would not attend court