

to give evidence and, in support of that action, provided an embellished account of the seriousness of the ill health of her son. When that account was tested by the prosecution she made further untruthful claims in an attempt to support her original claim. She was seen separately by both junior and senior prosecution counsel. She was given the opportunity to recant her earlier untruths but she refused to accept that she had not told the truth. It was the view of counsel that Ms McKee could not be put forward as a person in whose credibility the prosecution could have any confidence.

23. The prosecution is under an obligation to act fairly at all times and whilst it must properly be robust in pursuing prosecutions it must do so fairly. It is of fundamental importance that it only uses witnesses that it considers truthful. To do otherwise would be a gross abuse of its powers. In the light of the material placed before him, the Attorney General was satisfied that the decision to discontinue this case was a reasonable one and that he had no cause to issue a direction to the Director to continue with this prosecution.
24. I have been asked about my opinion as set out in my submission to the Attorney General of 18 March 2004 as documented at page 40222 that Ms McKee “*would be torn to bits by defence counsel about these issues.*” Had I known the submission was to have a wider circulation I might have used different language. But I remain of the view that the credibility of Ms McKee would be the central issue at the trial of Atkinson, Atkinson and Hanvey and that following effective defence cross-examination which would establish that on other occasions Ms McKee had shown herself ready to lie and say whatever supported her case, there would be no reasonable prospect of a jury being satisfied beyond reasonable doubt that in respect of the alibi Ms McKee was now telling the truth.
25. In my submission [page 40222] I stated my opinion that “*the facts as set out justify the decision to end the case.*” Furthermore I advised the Attorney that “*your involvement in Hamill and Cory would be liable to be misinterpreted as an attempt*