

DRAFT

Mrs G M Mackenzie

**Code A**

Paul (use

Thanks. I have made minor amendments to the letter to Roger Daw and subject to them I am happy with it.

RSB 31/7

Dear Madam

Thank you for your letter of 1 July 2002 to the Director of Public Prosecutions which has been passed to me to reply to you.

As you know from our telephone conversation on 17 June last all the papers submitted by the Hampshire Constabulary to the Crown Prosecution Service, relating to the tragic death of your late mother, were considered in great detail by this office and also by senior Treasury Counsel.

The only possible conclusion that could be drawn from all the evidence submitted by the police was that it was insufficient upon which to prosecute anyone.

As we have discussed, this decision is based on the requirements of the Code for Crown Prosecutors. The Code requires that there must be enough evidence to provide a 'realistic prospect of conviction' against the defendant. A realistic prospect of conviction is an objective test. It means, in this case, that a jury properly directed according to the law, is more likely than not to convict the defendant of the alleged charge. This is a separate test from the one that the criminal courts must apply. A jury should only convict the defendant if it is sure that he or she is guilty.

When deciding whether there is enough evidence to prosecute, it must be considered whether the evidence can be used in court and is reliable. This means that there must be an assessment of the quality of the evidence from all witnesses before reaching a decision. If there is not a realistic prospect of conviction, the case must not go ahead, no matter how important or serious it may be.

I should mention that the papers which the police submitted for consideration related only to your late mother. No papers have been received in respect of any ancillary or connected enquiry.

DAART

X  
Mrs G M Mackenzie

**Code A**

796 8502

July 2002

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I should mention that the papers which the police submitted for consideration related only to your late mother. No papers have been received in respect of any ancillary or connected enquiry.

I have written to the Hampshire Constabulary, in the light of your letter, for their comments on the issues raised by you and to clarify whether further evidence is likely to be submitted by them.

Obviously if further evidence is forthcoming then this will be considered in detail. I should however mention that I cannot comment as to whether or not further evidence would be such as to overcome the insufficiency of the existing evidence.

I will write to you again when I have heard further from the police.

Yours faithfully

Paul Close  
Casework Directorate