
From: martin smith [GRO]
Sent: Wed 10/07/2013 1:17:43 PM (UTC)
To: Rodric Williams [GRO]
Cc: Hugh Flemington [GRO]; Jarnail A Singh [GRO]; Susan Crichton [GRO]; Simon Clarke [GRO]
Subject: RE: High Level Summary of Prosecutor's Duty and Appeal Process

Rodric - Nearly there! - I've added bits. Please see the amendments below.

Martin.

From: Rodric Williams [GRO]
Sent: 10 July 2013 13:49
To: martin smith
Cc: Hugh Flemington; Jarnail A Singh; Susan Crichton
Subject: High Level Summary of Prosecutor's Duty and Appeal Process

Martin – have I described this accurately? If not, please amend or give me a call as necessary.
Thanks, Rodric

- Prosecutors have a continuing duty to act properly and fairly within the prosecutorial function.
- Part of that duty requires that any material in the hands of the prosecution which may undermine the prosecution case or assist the defence case must be disclosed to the Defence. This assessment is made on a case by case basis.
- By reason of the release of the Second Sight report, POL has become aware of fresh circumstances which may trigger the duty mentioned above. Accordingly POL (as a prosecutor) is required to and has instituted a review of both past and present cases so as to ensure that the material contained within the Second Sight Report is disclosed to those who ought to have received it when prosecuted, because it may undermine the prosecution or assist the defence.
- The Defence then decides whether to apply to the Court of Appeal for permission to appeal a conviction based on the fresh material .
- The Court of Appeal decides whether an appeal should proceed.
- If permission is granted, POL will be represented at the appeal hearing and it is the Court of Appeal's function to determine whether or not in all the circumstances a conviction is safe. Even where a convicted defendant receives permission to appeal based on the new material, that does not mean that his conviction will be overturned. That decision depends upon a consideration of all of the evidence by the Court of Appeal.
- The Court of Appeal may look to issue a precedent ruling if presented with multiple similar applications for permission to appeal.

Rodric Williams | Litigation Lawyer





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