



Eastleigh Branch Office  
3rd Floor  
Black Horse House  
8-10 Leigh Road  
Eastleigh SO50 9FH

┌  
Cllr E Goodman  
23 Budgens Drive  
Redhill  
Surrey  
RH1 2QB  
└

┐  
Switchboard: 023 8067 3800  
Facsimile (Magistrates' Court Section): 023 8067 3852  
Facsimile (Crown Court Section): 023 8067 3853  
DX No: 34149 Eastleigh

Direct Line:

Our Reference: DWR/

Your Reference:

11 June, 2001

Dear Cllr Goodman,

I am replying to your letter of 31 May, addressed to the Director of Public Prosecutions as I am responsible for the casework decisions taken by this office of the Crown Prosecution Service. I hope that it will be helpful to you if I firstly outline the role of the Crown Prosecution Service.

Each case which the police send to the Crown Prosecution Service is reviewed by a Crown Prosecutor to ensure it meets the tests set out in the Code for Crown Prosecutors, which is issued under Section 10 of the Prosecution of Offences Act 1985.

The Crown Prosecution Service applies the Code so that it can make fair and consistent decisions about prosecutions. There are two stages in the decision to prosecute. The first stage is the evidential test. The Crown Prosecutor must be satisfied that there is enough evidence to provide a "realistic prospect of conviction" against each defendant on each charge. They must consider whether the evidence can be used and is reliable. They must also consider what the defence case may be and how that is likely to affect the prosecution case. A "realistic prospect of conviction" is an objective test. It means that a jury or bench of magistrates, properly directed in accordance with the law is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that criminal courts themselves must apply. A jury or magistrates' court should only convict if it is sure of a defendant's guilt.

If the case does not pass the evidential test, it must not go ahead, no matter how important or serious it may be. If the case does pass the evidential test, the Crown Prosecutor must then decide whether a prosecution is needed in the public interest. Crown Prosecutors must balance factors for and against prosecution carefully and fairly. Some factors may increase the need to prosecute but others may suggest that another course of action would be better. A prosecution will usually take place however, unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour. The Crown Prosecution Service will only start or continue a prosecution if a case has passed both tests.

I can advise you that enquiries were made with the British Board of Film Classification and that their evidence was taken into account when the case was reviewed and accepted for prosecution. The lawyer who reviewed the case was satisfied that the evidential and public interest tests to which I have referred above were satisfied and the case was accepted for prosecution.

I am satisfied that the tests set out in the Code for Crown Prosecutors were satisfied and that the proceedings were properly brought.

As you are aware, applying the required burden and standard of proof, a jury found the defendant guilty on four counts and the judge sentenced the defendant to 6 months imprisonment.

Yours sincerely,

A handwritten signature in black ink, appearing to read "D W Renwick".

D W Renwick  
Head of Trials Unit