

Provisional Decision letter dated 1 July 2011. The rejection of an application for leave to appeal is classified as an appeal for both the Court's and the CCRC's purposes.

None of the suggested factual errors or issues that Mr McArthur takes with the CCRC's analysis of his conviction suggest that further enquiries are warranted or that any issue requires re-consideration. No evidence has been identified to suggest that Mr McArthur might not have received a fair trial.

### **Our consideration of the issues**

We have now considered all the issues you raised in your application and your further comments. We have decided that there is no real possibility that your conviction for common assault would not be upheld if referred to the appeal court.

### **Our decision NOT to refer**

The decision not to refer your conviction for an appeal has been made by a Commissioner on behalf of the CCRC. This letter sets out the reasons for that decision.

### **Closure of your file**

Your file has now been closed. However, if new information about your case comes to light in future, you may re-apply to the CCRC at that time.

### **Return of materials you sent us**

If you have sent us any material you want us to return, you must let us know as soon as possible. We will only keep your material for a further three months. After that, we will destroy it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J England', written in a cursive style.

**J England  
Commissioner**