

witnesses did so. You refer to Ms Lisa Stephens and Dr Morris as the two who did not.

The CCRC notes that, in its first Provisional Decision letter to you, dated 1 July 2011, in which it first declined to refer your conviction for common assault for appeal, it stated:

*“Ms King and three independent witnesses saw the incident and gave evidence at trial”, and also that “The inconsistencies that you identify in your application relate to the evidence of witnesses who testified at your trial.”*

At the time of the CCRC’s 2011 review, the Magistrates’ Court file had been available and was reviewed. You did not take issue with the CCRC’s factual analysis or decision at that stage, through the submission of any further submissions before the deadline, of 30 July 2011. A Final Decision letter was issued on 3 August 2011.

It has not been possible for us to review the Magistrates’ Court file during the current analysis of your conviction due to its routine destruction. At this stage, you challenge the accuracy of the CCRC’s analysis.

Notwithstanding the above, the CCRC does not consider that the evidence of either Lisa Stephens or Dr Morris would have been of assistance to you at trial. It is clear from Ms Stephens’ witness statement of 31 May 2008 that she witnessed only a fraction of the physical confrontation between you and Mr Stooke-Vaughan and that she considered you to have been the aggressor. Dr Morris did not comment on the attribution of the injuries that she observed during Mr Stooke-Vaughan’s attendance before her. The primary injury was consistent with that observed by Mr Gary Ellis immediately following the confrontation. The CCRC does not consider that there is any real possibility that the Crown Court would consider that it had been wholly unreasonable of your legal representatives not to call these witnesses at trial, and that the safety of your conviction is affected as a result.

The magistrates were satisfied that, on the evidence it heard, the charge was proved. Nothing that the CCRC has seen raises a real possibility that the Crown Court would reach a different verdict.

The available records indicate that you applied for leave to appeal out of time against your conviction, but that the application was refused. Again, no issue was taken with that assertion when it was made in the CCRC’s