



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

# MEDIA RELEASE

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## Hit run charges withdrawn

The Office of the Director of Public Prosecutions (ODPP) today withdrew charges against Mr Stuart Russell Graham.

Mr Graham had confessed to being the driver of a taxi cab which was alleged to have hit Ms Jennifer Franco on 20 February 2007, causing her extremely serious injuries and failing to stop. On 1 June 2007 Mr Graham was charged with dangerous driving occasioning grievous bodily harm, failure to stop and assist after vehicle impact causing grievous bodily harm, negligent driving causing grievous bodily harm and take and drive conveyance without the consent of the owner. All four charges were related to this incident.

During the preparation of the prosecution, doubts arose as to the reliability of Mr Graham's confession (which had been made on 2 May 2007). None of the available objective evidence supported his confession and medical examinations established that Mr Graham's accounts of events were unreliable. There was no physical evidence, no DNA, nor any eyewitness account connecting Mr Graham or his taxi with the incident.

The ODPP takes every matter it prosecutes very seriously and a decision to withdraw charges is not taken lightly. Every case is assessed on its individual merits in accordance with the Prosecution Guidelines (see: [www.odpp.nsw.gov.au](http://www.odpp.nsw.gov.au)). The decision to withdraw charges in this particular matter, applying especially Prosecution Guideline 4, was made after the evidence had been thoroughly examined and found to be inadequate to sustain a conviction, even after exhaustive investigations by police. Indeed, on the reliable and admissible evidence available it cannot even be proved beyond reasonable doubt that it was a taxi that struck Ms Franco.

"My Office is well aware of the grief and distress caused to victims of crimes in instances like these," the Director of Public Prosecutions, Nicholas Cowdery AM QC, said today. "The prosecutors working on this case have kept Ms Franco fully informed through her uncle, the point of contact she had nominated.

"Every effort has been made to ensure that Ms Franco and her family understand why the charges have been withdrawn and that the matter can be brought back before the court if evidence identifying the offender becomes available. The evidence presently available does not enable that to be proved."

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