



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

MEDIA RELEASE

8 December 2017

STATEMENT FROM THE DIRECTOR OF PUBLIC PROSECUTIONS

R v Attwater and Maris

Now that judgment on sentence has been handed down I am no longer prevented from publicly commenting on this matter.

The decision not to proceed with the prosecution of Adrian Attwater and Paul Maris in 2012 and the decision not to recommence proceedings against them in 2015 (following the coronial inquest into Lynette Daley's death) were independently reviewed by me in 2016. I also briefed independent counsel to provide me with advice.

I determined that there was a reasonable prospect of conviction and directed that the matter proceed to trial. In order to limit further delay, I directed that leave be sought for the proceedings to be brought in the Supreme Court without committal proceedings in the Local Court.

The question of whether there are reasonable prospects of conviction is a predictive exercise and one about which reasonable minds can differ. Some of the evidence that informed the earlier decisions not to proceed with the prosecution was different to the evidence that was before the jury. Nonetheless, I sincerely regret my Office's involvement in the delay.

I wrote to Ms Daley's family offering my apology on 22 June 2016 and 11 September 2017. On both occasions, I offered to meet with the family if they wished to do so.

The case has now proceeded through the criminal justice system. Today, I publicly apologise to Ms Daley's family and the community for that delay.

Lloyd Babb SC

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