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19 October 2004

**ADVICE**

**RE: DAVID MAURICE PEARCE**

Thank you for the advice file concerning the above named consistent of the witness statements of **RC-A6**, **Name Redacted** and **Name Redacted**. I am also in receipt of the transcript of interviews conducted with the defendant.

I have considered the evidence contained in the statement of **RC-A6** in relation to the four incidents that he has witnessed whilst a student at St Benedicts Roman Catholic School in Ealing during the years of 1990 and 1991. He was approximately aged 10 to 11 years at this stage.

As far as the first incident described by **RC-A6** is concerned in 1990/1991 no criminal offence would have been committed if we were able to prove this set of offences. It is quite clear to me that it would appear to be an attempt at "grooming" **RC-A6**.

As far as the second incident is concerned there is no doubt that it would amount to an indecent assault under the old legislation. The question therefore is do we have sufficient evidence to prove that offence beyond reasonable doubt against Mr Pearce.

To substantiate this incident we have the account given by **RC-A6** as to what happened. He appears to be credible in his account of what happened and I have no doubt what he says is accurate. However, he made no recent complaint, there is no medical evidence or any other evidence to corroborate his allegation. Although of course corroboration is not required in such offences, we do need to be able to prove them beyond reasonable doubt.

In order to prove beyond reasonable doubt we would have to show something more than a straight conflict between the allegation as made by **RC-A6** and the denial as stated by David Pearce. Although Mr Pearce has been the subject of various speculation in the past it would appear that he has never been charged with any criminal offence and never been convicted

of anything. He therefore is a man of previous good character and entitled to the benefit of that should the matter go to court.

I therefore have to consider whether or not if the matter was prosecuted we are likely to secure a conviction. Unfortunately my conclusion is that we would not be able to secure a conviction, as at best what we have is the word of the victim against that of the defendant. In the absence of any corroboration it is with deep regret that I have to conclude that we would not be able to secure a conviction against Mr Pearce for indecent assault relating to the incident described to us on the second occasion.

As far as the third and fourth incidents are concerned again in 1990/1991 they would not be criminal offences. Though there would appear to be some form of grooming as well. Although the totality of the incident quite clearly suggests that Mr Pearce was engaged in activity, which was no doubt very dubious unfortunately, the law is strict and if we had been able to charge the defendant with the second incident we would not have been allowed to call into evidence the third and fourth incident.

In the circumstances it is with regret that I advise it would not be appropriate to prosecute Mr Pearce.

Should any further information come to light then of course I would always to be willing to consider the matter afresh. If you wish to discuss the contents of this advice please do not hesitate to contact the writer.

Kind regards

**DPA**

Azra Khan  
Senior Crown Prosecutor