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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