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Dear Sir

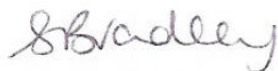
JOHN CHRISTOPHER WALSH: COMPENSATION FOR MISCARRIAGE OF JUSTICE

I refer to your application to the Northern Ireland Office on behalf of your client, Mr John Christopher Walsh, for compensation under section 133 of the Criminal Justice Act 1988. Following the devolution of policing and justice matters to the Northern Ireland administration, this now falls to be considered by the Department of Justice. We have not yet reached a decision about the application; before we do so I would like to give you the opportunity to comment in writing on the views set out below.

Under section 133 compensation is payable to an applicant where his "conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows beyond reasonable doubt that there has been a miscarriage of justice". Mr Walsh's convictions were, we believe, "reversed" within the meaning of section 133, by the decision of the Court of Appeal on 16 March 2010. However we believe this was not based on a new, or newly discovered, fact. Furthermore, we also believe that, even if there were a new or newly discovered fact, Mr Walsh has so far failed to establish that such a fact has shown beyond reasonable doubt that there has been a miscarriage of justice - in the sense that he is demonstrably innocent. The Court of Appeal only indicated "a significant sense of unease" about the safety of the trial verdict; it did not acknowledge that Mr Walsh was clearly innocent. The application therefore does not appear to meet the necessary criteria of section 133 of the Criminal Justice Act 1988, and we believe Mr Walsh is ineligible for compensation.

If you wish to respond to the points made above, please reply to me at this address by 23 July.

Yours sincerely,



Susanne Bradley
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