

OUR REFERENCE

DIRECTOR'S CHAMBERS
ODPP
 New South Wales

201803701

YOUR REFERENCE

DATE



16 November 2018

Magistrate Paula Russell
 Deputy State Coroner
 NSW State Coroners Court
 44-46 Parramatta Road
 GLEBE NSW 2037

Dear Magistrate Russell,

RE: Death of Mr Anthony Cawsey

I refer to the inquest into the death of Mr Anthony Cawsey on 26 September 2009, which was referred to this Office on 7 March 2018.

I write to advise that this Office will not be further prosecuting Moses Kellie in relation to the death of Mr Cawsey. This decision has been made in accordance with Prosecution Guideline 7.

As was noted in your referral, a charge of murder against Mr Kellie pursuant to s 18 *Crimes Act 1900* was withdrawn by this Office following a direction that there be no further proceedings on 6 September 2016. In light of the previous direction, consideration has been given to whether there is significant new evidence to warrant the reversal of that direction. No impropriety or erroneous basis for the previous decision has been identified.

The case against Mr Kellie is a circumstantial one. Upon an assessment of the new evidence arising since the discontinuance of the previous proceedings, this Office considers that there remains no reasonable prospect of conviction and that the new evidence does not overcome the previously identified difficulties in the prosecution of this matter. In particular, the newly obtained medical opinions as to Mr Kellie's mental health do not overcome difficulties with the reliability of "admissions" and statements alleged to be "lies as consciousness of guilt".

Yours faithfully,

Peter McGrath SC
Deputy Director of Public Prosecutions

PPP
 letter