Exhibit Label

Produced By: Julian King

Exhibit Ref: JK/02

Description: **Note of the reasons why the allegation made by Eleanor de Freitas did not proceed to the CPS**

I have considered and reviewed the facts in this case and based on these facts i have decided that this investigation should not proceed to RASSO for a consideration to prosecute. There are elements within this case that undermine the credibility of the victim and i do not believe that there would be a realistic chance of a prosecution in this case.

-There is no corroboration of the victims account. She claims to have been drugged by the suspect however due to the time lapse in reporting we cannot prove this assertion that the suspect drugged her. The scene examination of the suspects accommodation does not support the victims evidence. I take into account the fact that the suspect could well have tidied/cleaned the scene since this incident however the fact there is no forensics corroboration undermines any prosecution case. Equally the victim reports this matter after receiving communication from the suspect stating that he is on route to a police station to report harassment committed by the victim. The issue of credibility of this allegation is an issue as prior to reporting the victim apologizes for her actions by way of email to the suspect. In that she states that she apologizes for any trouble she may have caused. The suspect communicates back and informs her that she has lied and that he will potentially seek both civil and criminal proceedings against her.

-Both victim and suspect went to Ann Summers the following day and a purchase of goods totalling £337.98 is made. CCTV footage has been gathered by the defence that indicates that both parties appear to be fine and there is no reason to doubt that the victim would be under any duress. Equally these actions post offence would undermine any criminal prosecution. There is nothing to support that the victim was drugged and forced to go on a shopping trip with the suspect. In fact the opposite could be gleaned by any jury in that both parties were willing to continue with their sex exploits and the trip to Ann Summers was to exploit their respective fantasies.

-The suspect is a man of good character and has provided a pre-prepared statement. The theme of his thoughts from email communication and the statement is that he completely denies this accusation. In fact he goes beyond this by employing his solicitor to seek independent evidence by way of a telephone download from his friends phone. The friend is a mutual friend of both victim and suspect. Of note is a message to the mutual friend from the victim stating that the suspect 'fucked and chucked'. There is no reference made to being sexually assaulted.

- Her actions post event cause me concern in that she apologizes to the suspect for the trouble caused and she reports this matter after the suspect emails her and sends a text to her father outlining his intentions on the matter.

Overall i make this decision in the interests of the public and I believe it is not in the public interests to continue to allocate resource to this enquiry whether that is police or the CPS.