



13 February 2009

Mr Scott Watson
C/- Christchurch Prison
PO Box 4726
Christchurch

Dear Mr Watson

APPLICATION FOR ROYAL PREROGATIVE OF MERCY

You have written to the Governor-General about your convictions for the murders of Olivia Hope and Ben Smart. We are writing to acknowledge receipt of this application for the exercise of the Royal prerogative of mercy and to confirm that you would like the application to proceed in its current form.

This letter also asks you to clarify whether you are legally represented, the scope of your application, and how you would like us to communicate with you.

Overview

The first thing to tell you about is the role of the Ministry of Justice. As you may be aware, the Minister of Justice will advise the Governor-General about your application. The Minister of Justice has referred your application to the Ministry for consideration. The Ministry's job is to fully consider the information and submissions that you have sent in and provide a report to the Minister of Justice. We may have to make further inquiries. In some cases, a senior lawyer may be appointed to help with the consideration of the application.

The Ministry will use the information you have provided to assess your application and advise the Minister of Justice. That can include asking people like the Police, the prosecutor, or an expert adviser to comment on some of the information that is necessary to complete our assessment.

At the end of the process, the Ministry will provide a report to the Minister of Justice. The Minister of Justice will then decide what advice to give the Governor-General.

There are essentially three options available to the Minister in any case. The Minister could recommend that:

- your application be declined;
- your case be referred back to the Court of Appeal;
- you be granted a full pardon.

When the Minister's advice has been considered by the Governor-General, his Official Secretary will write to you with the decision.

Clarification of your application

There are three matters we would like to clarify at the outset. For your assistance, we have set out a short list of questions in relation to these matters that we ask you to respond to. Please do so by ticking your preferred response, or where indicated, list the requested information. We have included an extra copy of the letter so that you can mark your responses on it and return it to us.

Legal representation

On 3 October 2006 you advised the Ministry of Justice that "In due course a comprehensive application for the prerogative of mercy will be filed by my legal representatives, Greg King and Mike Antunovic." The Ministry has not received any documentation from Greg King or Mike Antunovic relating to your application for exercise of the Royal prerogative of mercy.

Before we start considering your application, it is important that we first check whether Greg King and Mike Antunovic continue to act for you in this matter, and whether the Ministry will receive further submissions from them about your application.

The scope of your application /materials provided

You have forwarded copies of the book *Trial by Trickery*, and the DVD *Murder on the Blade?* both by Keith Hunter, to the Ministry as part of your application. These resources essentially concentrate on the following eight issues, which you have also referred to in your letter of application:

1. The Police Investigation and Inquiry
2. Identification of the Mystery Man
3. Identification of the Mystery "two masted" Yacht
4. 'Circumstantial Evidence
5. The Alleged Voyage from Cook Straight to Erie Bay on New Year's day.
6. The Two Trip Theory
7. The Judge
- 8: The Court of Appeal

It is your decision to specify the grounds on which this application to the Governor-General is made. There is no obligation on you to present your application in any particular way nor any formal restriction on your ability to make a subsequent application on other grounds.

If you decide to proceed on the grounds specified in the current application, our advice to the Minister of Justice (and the Minister's advice to the Governor-General) will necessarily focus on the issues you have identified. We will take into account the material provided by you, information concerning your trial and appeal, and other material we obtain in the course of our considering the application (e.g. the Police file).

Could you please advise us, by answering the questions in the attachment, whether you wish us to consider only the issues identified in the book and DVD you have already provided, or whether you wish to provide other materials, or broaden your application to include other matters.

We suggest that you take some time to carefully consider the basis on which you wish to present the current application and seek advice on it. You may wish to contact the Legal Services Agency to see if you are eligible for legal aid.

How you would like us to communicate with you

Your letter suggests that communication about your application should be through your father, Chris Watson, who will keep you informed and take advice as required.

We would like to clarify which method of communication you would like us to adopt out of the three options suggested in the attached document.

What happens next?

When we have your responses, the next stage is that the Ministry will review all the information provided by you, including any additional information we obtain, and plan what needs to be done to fully assess your application.

Sometimes, during this stage, the Ministry concludes that no further work is necessary. In that case, the Ministry would complete its report to the Minister. If further work is necessary, however, the Ministry will write to you again to let you know the main issues that are being looked at, and a likely timeframe for finishing our consideration and reporting to the Minister.

The Ministry will aim to complete this initial planning stage within about 3 months of your response.

Conclusion

I hope that this summary of the Royal prerogative process is helpful.


Please complete your responses to the questions set out in the attachment and sign, date and return one copy of this document to me. I look forward to hearing from you on these issues at your earliest convenience.

If you have any questions, you can write or e-mail me at the following contact addresses:

Address: Jeff Orr
Chief Legal Counsel
Office of Legal Counsel
Ministry of Justice
PO Box 180
WELLINGTON

[E-mail: jeff.orr@justice.govt.nz](mailto:jeff.orr@justice.govt.nz)

Yours sincerely



Jeff Orr
Chief Legal Counsel
Office of Legal Counsel