

**Crown Office  
25 Chambers Street  
Edinburgh EH1 1LA**

**Mr Iain McKie  
27 Donnini Court  
South Beach Road  
Ayr**

**Telephone: 0131 247 2714  
Your ref:  
Our ref: 2004/03/G/RJW**

5 September 2003

Dear Mr McKie

I refer to your letter of 13 August 2003 to the Lord Advocate in connection with the findings of Professor Espie about your daughter, Shirley. I have been asked to reply.

As I have explained, Dr McLay was made aware of Professor Espie's opinion regarding Shirley's credibility in the context of his occupational health role in respect of Shirley. As such, Dr McLay treated Professor Espie's report as clinical and therefore confidential. For that reason, Dr McLay did not disclose Professor Espie's opinion to anyone else. Dr McLay did not forward any part of Professor Espie's report to Strathclyde Police or the Crown Office and Procurator Fiscal Service.

The Lord Advocate, the Procurator Fiscal, and the Crown Office as a whole were unaware of Professor Espie's opinion until it was drawn to our attention by your letters of 14 April and 18 June.

In any event, Professor Espie's opinion would not have been admissible as evidence in the trial. It is wholly speculative as to what impact knowledge of Professor Espie's report might have made to the decision to prosecute.

At the very least, however, Crown Counsel would have required further evidence on the matters contained in the report.

Yours sincerely

Rachael S Weir

**A Department of the Scottish Executive  
Operations Group  
CROWN OFFICE AND PROCURATOR FISCAL SERVICE**