The Anatomy of a Private Prosecution



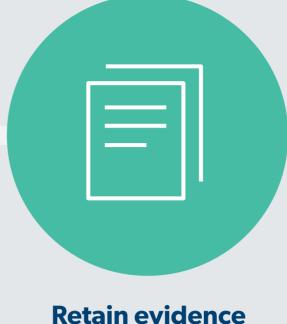
StoneTurn







Organisation



Preserve all material that may be relevant to a potential case



Put in place protocol to retain, record, review and reveal material to meet disclosure obligations under CPIA



Instruct a specialist law firm Performs role of

Prosecutor



assessment and determine appropriate course of action • Criminal proceedings

- Civil proceedings
- Parallel civil and criminal
- proceedings

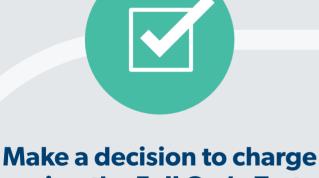


Assess funding options for your case

Crowdfunding

Self-funding

- Litigation funding
- Insurance



using the Full Code Test • Is there enough evidence against the defendant to provide a realistic

- prospect of conviction? • Is it in the public interest to bring the case to court?



evidence gathering • Pursue all reasonable lines of inquiry

- Conduct investigation impartially, objectively and independently
- Refer to Private Prosecutors' Association (PPA) "Code for Private Prosecutors"



Magistrates' court followed by the issue of a warrant



or common law



Particular need for CPS to take over prosecution

 Public interest stage of Full Code Test is not met

Risk 2** prosecution can be affected by

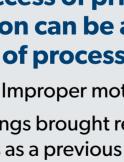


• Charge is made within the time limit The court has jurisdiction

Magistrate

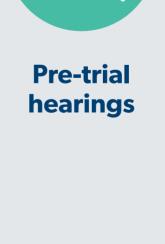
issues summons

or warrant

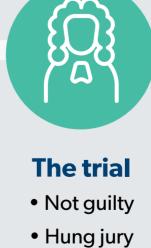


Success of private

- Failing to disclose evidence
- an abuse of process argument • Improper motive • Proceedings brought regarding the same facts as a previous proceeding



- **Potential sanctions** Custodial sentence
- Confiscation order Compensation order



Guilty



Recovery of costs for a private prosecutor



stone unturned. StoneTurn, a global advisory firm, assists companies, their counsel and government agencies on regulatory, risk and compliance issues, investigations and business disputes. We serve our

South Africa, assisted by a network of senior advisers around the world.

StoneTurn.com

clients from offices across the U.S.,

U.K. and in Germany, Brazil and

• From central funds

* Risk 1 can occur at any stage.

** Risk 2 is most likely to occur during the pre-trial hearings stage or trial stage.

[•] From the defendant