

4 November 2025

Ms Monika Kristoffersen

By email [REDACTED]

Dear Ms Kristoffersen,

**Prosecution of [REDACTED] – complaint findings**

I refer to the above prosecution in which you were the complainant, which ran to trial in July of this year.

As you are aware, Mr [REDACTED] was acquitted. This included a directed acquittal on count 1, an allegation of sexual intercourse without consent involving cunnilingus, whereby the trial Judge directed the jury to enter a verdict of not guilty.

In light of the nature of concerns that you and NSW Police raised in relation to the conduct of this prosecution, I have treated these concerns together as a complaint under this Office's Feedback and Complaints Policy.

As part of my inquiry into the complaint I asked the [REDACTED] to review the brief and the trial in its entirety, including various decisions made by the crown prosecutor in the lead up to and during the trial.

I thank you for your patience whilst this process has occurred. In resolving the complaint, I have made the following findings:

- That the crown prosecutor acted outside of his statutory functions by not seeking instructions from me, as the client and the party to the proceedings, in relation to the directed verdict on count 1. The entry of a directed verdict on that count was plainly wrong at law and should not have occurred.
- That the crown prosecutor failed to comply with the Prosecution Guidelines by failing to assist the Court with adequate legal submissions in relation to the directed verdict on count 1, as well as in relation to what is known as a *Murray* direction, concerning how a jury is to assess a complainant's evidence.
- That the crown prosecutor failed to comply with the Prosecution Guidelines by failing to fairly and firmly present all relevant evidence in the Crown case. This includes failing to adduce, or to seek to adduce, evidence of the violent and degrading conduct that was central to your complaint. This evidence included oral evidence from you, physical/medical evidence, as well as complaint evidence in the form of text messages with [REDACTED]

I apologise for these failings. One aspect of the seriousness of the crown prosecutor's conduct is that there is no avenue by which the charges can be retried. The conduct of this trial fell far short of the high standard that the community properly expects of all criminal prosecutions handled by this Office and was a disservice both to you and the community of NSW. I acknowledge and apologise for the extent to which this must have exacerbated the trauma you have experienced, including during the process of giving evidence about alleged offences of this nature.

Having made these serious findings, I can indicate that I am waiting on further information and advice before determining how to address the conduct of the crown prosecutor.

Thank you for raising your concerns about this matter. If you would like to, I would be happy to meet with you, and your support person or an ODPP Witness Assistance Officer – please feel free to reach out to my [REDACTED] Alternatively, [REDACTED] [REDACTED] will inform you of the outcome.

Yours faithfully



Sally Dowling SC  
Director of Public Prosecutions

