

Message

From: Hugh Flemington [GRO]
Sent: 02/07/2013 22:30:33
To: Rodric Williams [GRO]
Subject: Fw: PV and AP brief

Fyi

From: Susan Crichton
Sent: Tuesday, July 02, 2013 10:19 PM
To: Martin Edwards
Cc: Hugh Flemington
Subject: RE: PV and AP brief

Martin – Following your conversation with Hugh he and I have discussed and think that this is the best wording we can use (see below). The bottom line is that this dialogue and resulting potential publicity - could increase the risk of appeals being made against previous convictions, we have no reason to believe that those appeals would be automatically successful we would have to deal with each case on a case by case basis. There would be significant cost implications.

It is interesting that neither of us can think of one.

Susan

From: Martin Edwards
Sent: 02 July 2013 21:38
To: Susan Crichton; Paula Vennells; Hugh Flemington; Mark R Davies
Cc: Alwen Lyons; Simon Baker
Subject: RE: PV and AP brief

Many thanks Susan and Alwen. I'll make a few drafting changes and recirculate.

On the prosecutions section of the brief there is a half-finished sentence (see below) – what were you planning to say?! Was this going to cover the issue around previous convictions? If not, what is our best possible defence against the suggestion that this process had called into question the validity of previous prosecutions? Think we definitely need a line on this.

On the first bullet below, presumably we should add a sentence to state that where it is clear that the Horizon system isn't the issue at stake, we have a duty to protect public money by pursuing appropriate action (and this why some prosecutions are still happening)? Presumably there is some kind of reasonableness test here – i.e. a spmr can't just get off scot free by saying it's an Horizon issue, irrespective of the circumstances?

- **Prosecutions**

- Where cases have been referred to SS via JFSA these are subject to the terms of the immunity agreement, which allows non MP generated cases to be put before the JFSA and/or SS.
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- For criminal prosecutions we treat each matter on a case by case basis, with an investigation and legal review (generally involving external lawyers). We have a duty to protect public money and take appropriate action to safeguard such public money.

- In the event that any person considers that there has been a miscarriage of justice they have the right to apply to the Court of Appeal to have their conviction reviewed.

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- **m:** Susan Crichton
Sent: 02 July 2013 20:34
To: Martin Edwards; Paula Vennells; Hugh Flemington; Mark R Davies
Cc: Susan Crichton; Alwen Lyons; Simon Baker
Subject: PV and AP brief

Martin/Mark

Susan and I have pulled this together with help, so it is now over to you, to work your magic and send on the final document to Paula, Alice and me tonight.

Hugh would you please check any comments please come back to Susan.

Mark would you also please check

Martin is holding the pen please send back to him

Also include in AP and PV and my pack any other docs you think we need

Thanks

Alwen & Susan

Susan Crichton I HR & Corporate Services Director

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