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CARTWRIGHT KING

BRIEFING NOTE

Branch Name:	Gaerwin
SPMR Name:	Mr Hughie Noel Thomas
Case Number:	M029

1.

Prosecution Case

- The Applicant was the Subpostmaster of Gaerwen Post Office from June 1994 until he was suspended following an audit on 13th October 2005.
- The audit revealed a shortage of £48,454.87 and a cheque discrepancy of £1,803.02 resulting in a final shortage figure of £50,257.89.

2.

Court Proceedings

- The Applicant appeared at Caernarfon Crown Court on 6th November 2006 and was sentenced on the charge of 'False Accounting' (to which he had pleaded guilty at an earlier hearing on 29th September 2006)
- The Applicant was sentenced to 9 months in custody and ordered to pay £750 costs.
- This defendant pleaded guilty on legal advice. There is no suggestion that this plea was on a basis.

3.

Applicant's Response to Mediation Scheme

- The Applicant criticises the adequacy of training provided.
- He points to technical issues and Horizon transaction anomalies.

4.

Analysis

- The reality in this case is that this Applicant pleaded guilty on legal advice and was sentenced.
- A plea of guilty to a charge entails a complete admission of the offence to which the plea is entered, in this case an unqualified admission to having "...dishonestly and with a view to gain for himself or with intent to cause loss to another, falsified a document required for an accounting purpose." (The exact wording of the indictment is not available but the above is from the specimen indictment for false accounting in Archbold)
- The Applicant was sentenced to an immediate term of imprisonment of 9 months which clearly suggests the serious view of the evidence taken by the sentencing judge. There is no evidence that this sentence was appealed as being manifestly excessive..
- **The evidence in this case, including his guilty plea, is overwhelmingly in support of the contention that the loss was brought about by the Applicant's dishonesty.**

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5.

Dangers to Post Office Limited

- If concessions are made that *might* render this **conviction** unsafe then the Applicant may well be put in a position whereby he is able to appeal that conviction.
- Were such an appeal to succeed, then POL would be open to a claim for damages and/or restitution of monies paid by this appellant under any confiscation order.
- Such concessions would have to be disclosed to those with similar convictions. This may well necessitate a review of many hundreds of cases to establish who else may be entitled to such disclosure.
- If concessions are made that might render the **sentence** imposed in this case manifestly excessive then the Applicant might well be put in a position whereby he might be able to appeal that sentence, with similar consequences for POL.
- And again those concessions would have to be disclosed to those with similar convictions, with similar consequences for POL.
- **This is not a case where any concessions can or should be made; to do so has the potential to render his conviction by guilty plea unsafe, or his sentence as manifestly excessive; and accordingly to invite an application to the Court of Appeal.**

Harry Bowyer
Barrister
Cartwright King Solicitors.

7th March 2014