

**ROYAL MAIL GROUP (POST OFFICE LTD) – CASE REVIEW**

**R. v ANTHONY JOHN KING**

**Liverpool Crown Court**

**Offence**

1. On the 8<sup>th</sup> February 2010 this defendant was sentenced, at Liverpool Crown Court, to 12 months imprisonment suspended for 12 months with a 200 hour unpaid work requirement for an offence of Theft. The single charge alleged that between the 1<sup>st</sup> April 2009 and 1<sup>st</sup> August 2009 he had stolen £5,405.06. Costs were awarded in the sum of £2,100.00.

**Case history**

2. This case was listed before the Liverpool Magistrates Court on 17<sup>th</sup> December 2009 when the defendant pleaded guilty and the case was committed for sentence. The case was next listed on 8<sup>th</sup> February 2010 when the defendant was dealt with as above.

**Prosecution case**

3. The defendant, Anthony King, was during the relevant period the son of the sub postmaster at Otterspool Sub Post Office. He was subpostmaster in his own right at another post office, Lark Lane. The theft allegation relates to the Otterspool Branch.

4. It had become apparent that postage labels were being rejected regularly at the Otterspool Branch. Checks were made on the Branch and the modus operandi was established; the label was rejected and then it was being indicated on the system that the customer had prepaid the postage which would show a nil cash value on the Horizon system. To substantiate that the rejected labels were being used as paid postage, the mail from Otterspool branch was checked and a record of the postage label number was kept with photographs of the rejected labels. A total of 29 labels were photographed which were identified as being rejected labels.
5. On 30<sup>th</sup> July 2009 Fraud investigators attended the Otterspool Sub Post Office. A Horizon rejected label summary was printed and the mail on hand was checked against the sheet. All rejected labels were found on items of mail.
6. In his interviews, conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice, on the 4<sup>th</sup> August 2009, the defendant said:
  - He was finding his workload becoming too great. He was advised to contact his business development manager but was not able to contact him as he was sick.
  - He said that the printer at Otterspool was not working correctly and he had a number of rejected labels. An engineer did not fix the problem so the defendant took the machine apart himself and the rejected labels became intermittent.
  - He said that he started rejecting labels to “try and bring attention to the situation.”
  - He was asked to demonstrate the correct procedure for a postal label transaction and was able to demonstrate the procedure for when a label did not print properly.
  - He admitted that he had used rejected labels as paid postage which he did to draw attention to the branch. He knew that it was wrong to use rejected labels as paid postage.
  - He said that he would put the rejected label onto the item to be posted then kept the money to one side.

- He had contacted the helpline on a number of occasions but it was difficult to speak to somebody on the helpline.
- He denied theft and said that the money was in a drawer but that he had not told the auditors.
- He entered the amounts of prepaid postage onto the system so that he could give the customer a receipt.
- It was put to him that if the money in the drawer had been declared he would have had a surplus. He admitted falsifying his accounts.
- Asked why he had not declared the money in the drawer he said, “It was obviously hiding what I had done.”
- He admitted rejecting labels on a daily basis.
- He admitted to falsifying the branch trading statement since April 2009.

### **Defence case**

7. In interview the defendant admits using rejected postage labels as paid postage and putting the money in a drawer. He did not point the drawer out to the auditors who did not find the money in a drawer. £6,900 was delivered to the post office by an unknown male in £10 and £20 notes that afternoon. Had this been the “money in the drawer” then there would have been a substantial amount of coin.
8. The defendant pleaded guilty on his first appearance.

### **Discussion**

9. This is a pre Horizon on Line case. The defendant does not raise any issues with the Horizon system but rather with the printer. He admits deliberately generating rejected labels and using them as paid postage His explanation of money in the drawer is not born out by the money delivered to the post office.
10. This is a case where the defendant effectively pleaded guilty at the first appearance in the Magistrates Court. Whilst he does raise support issues in his interview it is difficult to see how he could have been assisted by the Second Sight Interim Report which, even had we been aware of it we almost certainly

would not have disclosed at this stage or indeed at all in this case where there was direct evidence of his deliberately misusing the system, which he demonstrated in interview that he knew how to use, allegedly to draw attention to the branch yet submitted false accounts “obviously hiding what I had done.”.

### **Conclusion**

11. This is a case in which, had we been possessed of the Second Sight Interim Report, we would not have needed to disclose anything contained therein to this defendant. The passage of time has not changed that position, in my opinion, and we need take no further action upon this file.

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**Harry Bowyer**  
**Barrister**  
**Cartwright King Solicitors**

**21<sup>st</sup> November 2013**