

From: Harry Bowyer
Sent: 19 October 2018 12:39
To: 'lucy.bremner'; **GRO**
Subject: FW: Post Office Group Litigation [WBDUK-AC.FID27032497]

Lucy,

Martin has asked me to help with the query raised in the email chain below.

I have been in touch with Simon Clarke who has been dealing with this issue but has been involved in a long trial in Northern Ireland and therefore slightly incommunicado.

He has considered the issue that you raise in relation to Charles McLachlan and states as follows:

"I have again considered the expert witness statement of Charles McLachlan. Some time ago I was called upon to review the case papers and transcripts in the trial of R v Seema Misra and thus I am familiar with the evidence of the expert witnesses and the disclosure issues raised by the defence both pre-trial and during the trial itself.

My view on the matter remain unchanged; Charles McLachlan's statement consists of a series of anecdotal assertions suggesting that there are issues with Horizon; unfortunately he provides no direct example and no evidence in support of his conclusions save a short email from Gavin Jenkins and dealing with the so-called Callander Square bug.

On the issue of disclosure, the defence in the case of Misra made repeated applications for disclosure which, both in my view and in the opinion of the trial judge, amounted to little more than 'fishing expeditions'. At the commencement of the substantive trial the trial-Judge was again called upon to rule in such an application and again he refused to direct further disclosure.

When I am asked the question: was Mrs Misra's defence team provided with proper and adequate disclosure at the time? I concluded in my earlier review that the answer was "Yes". I further concluded that, had we known then what we now know, we would have disclosed the Helen Rose and Second Sight reports but, given that these came long after the event, my view on the issue of disclosure at the time of the trial remains unchanged. "

Let me know if I can be of further assistance.

Best wishes

Harry

Harry Bowyer
Barrister

GRO

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From: Switch Web Access [redacted] **GRO** **On Behalf Of** Lucy Nremner
Sent: 18 October 2018 14:59
To: Martin Smith
Subject: RE: Post Office Group Litigation [WBDUK-AC.FID27032497]

This email, created by [lucy.bremner](#) [redacted] **GRO** has been securely delivered using Egress Switch and was decrypted on Thursday, October 18, 2018 2:59:35 PM+01:00..

Dear Martin,

I sent you an email yesterday asking if I could have a response to the below ASAP. I am following up on switch as I'm unsure as to whether you received it.

If you could come back to me with an update asap that would be appreciated.

Kind regards,

Lucy

From: "Martin Smith" [redacted] **GRO**
Sent: Monday, October 15, 2018 11:03 AM
Received: Thursday, October 18, 2018 2:56 PM
To: "'Lucy Bremner'" [redacted] **GRO**
Subject: RE: Post Office Group Litigation [WBDUK-AC.FID27032497]

This email, created by [martin.smith](#) [redacted] **GRO** has been securely delivered using Egress Switch and was decrypted on 18 October 2018 15:56:24+01:00

Dear Lucy,

Thank you for your email. My colleague Simon Clarke will be able to assist with this and has asked to see a copy of Mr. McLachlan's statement in order that he may properly respond.

Please could you forward a copy of it?

Many thanks,

Kind regards,

Martin Smith

GRO



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From: Lucy Bremner **GRO**
Sent: 12 October 2018 17:02
To: Martin Smith
Cc: Jonathan Gribben
Subject: Post Office Group Litigation [WBDUK-AC.FID27032497]

Dear Martin,

By way of introduction, I am an Associate in the Commercial Disputes Team at Womble Bond Dickinson and I am assisting Post Office with the Group Litigation.

We are in the process of responding to a witness statement by Charles McLachlan and in it he states the following in relation to the Seema Misra case:

"I found it difficult to obtain all of the information and disclosure which I thought was necessary in order to provide my opinion to the criminal court [...]". Could you, or someone in your team, let me have your comments on whether this statement is correct or not? If you could provide examples of where Mr McLachlan was not given information / disclosure and why and also examples where he was provided with detailed information that would be helpful.

We have an extremely tight deadline in order to respond to the statement so I would be grateful if you could provide me with comments during the course of Monday.

Kind regards,

Lucy

Lucy Bremner
Associate
Womble Bond Dickinson (UK) LLP

A large, bold, black 'GRO' logo enclosed in a dashed rectangular border.

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