

27th January 2010

For the attention of Issy Hogg

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Our Ref: CRM/258932/JSX

Your Ref: ICH/03/06/09

Dear Sirs

REGINA v SEEMA MISRA
GUILDFORD CROWN COURT
MENTION – 1ST FEBRUARY 2010
TRIAL – 15TH MARCH 2010

I now reply as follows to your request for disclosure:-

Section 8 disclosure – Counsel is drafting his response to the Section 8 disclosure and will be served on you shortly.

Turning to the further request for disclosure.

Contract

- 1 I enclose a copy of the Subpostmasters Contract.
- 2 The prosecution will not answer this enquiry unless the Defence can explain its relevance.

Training

- 1 and 2 The only available copies of exactly what was sent to West Byfleet are still at the Office, you can make arrangements to inspect them there.

- 3 Copies of these herewith. Confirmation of sales training and FSA compliance. Performance Standards Assessment, Learning Action Plan, request for Adult Training, Training requirement for incoming Subpostmasters.

- 4 No specific training qualifications, experienced Counter Clerks that have progressed into the role.

- 5(a) Michael Opebiyi is the only trainer that fits your description, mobile GRO

GRO

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- 5(b) Further enquiries are being made.
- 6 Further enquiries are being made.
- 7 If a problem occurs with the Horizon, one should phone NBSE and they will talk one through what you need to do. It is not covered on the course so that people do not try to correct it themselves.

Investigations

- 8 We do not understand what you mean by the first sentence of this paragraph. We certainly do not accept that your Client was misled at any stage of the investigation. Each year there are a number of successful prosecutions of Subpostmasters for theft following deficiencies found in audits. Some of those successful prosecutions have involved full confessions. We do not understand how the detail you seek in this enquiry can possibly undermine the prosecution case or support your Client's defence.
- 9 There appears to have been some confusion here. The Investigation Officer told the Defence that the Auditors would alert him to any problems with the Horizon system as they would be using it to complete the audit. It also goes without saying that if at the interview stage with Ms Misra she had mentioned problems with Horizon as opposed to staff thefts then enquiries would have been instigated with the Helpline and Fujitsu to confirm or dismiss what she was saying.

The Officer has re-checked Adrian Morris's report and can confirm that no mention of Horizon problems was made. Extracts from his report see below:

"Ms Misra said that the shortages in the Office were due to previous staff members stealing from her. She added that the loss had been carried for over a year. Ms Misra said that when they first took on the business, they kept on the staff from the previous owner, and left them to run the Office. She states that after a while she noticed things weren't right and a theft of £1,000 had been reported to the Police. She added the members of staff either resigned or were sacked and the losses were unrecovered. Although only a thousand pounds had been reported to the Police, Ms Misra said the loss was actually between £89,000 and £90,000. Ms Misra confirmed that this loss had been carried since around November 2006. Ms Misra added that they had been paying money back into the account in order to try and reduce the loss.

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Ms Misra explained that she would hide the shortages by not only falsifying the cash on hand figure, but also falsely declaring cash in pouches or currencies awaiting despatch. When shown Branch Trading Statements for Branch Trading Period 08, year 2006/2007 dated period 15th November – 14th December 2006 Ms Misra confirmed that the cash on hand figure of £27,993.73 and currencies awaiting collection figure declared as £13,070 were both falsified figures. When shown the Branch Trading Statement for Branch Trading period 02, year 2007/2008 dated period 16th May – 16th June 2007 and the Branch Trading Statement for Branch Trading period 08, year 2007/2008 dated period 14th November – 15th December 2007, Ms Misra confirmed that the declared cash on hand figures and currencies awaiting collection were false figures. Ms Misra confirmed that all Trading Statements since Branch Trading period 08, year 2006/2007 were false accounts".

- 10 The Investigation Officer explained to the Defence that he has a working knowledge of the Horizon system but it is not up to the level of a Counter Clerk who works with the system on a daily basis. That is why the Officer referred a lot of the questions he raised to one of the Clerks at the Post Office. As an Investigator they deal with all types of cases and when they need guidance or advice on a particular fraud they will consult with Branch Managers, Counter Clerks, Contract Advisors, other Investigators and external Agencies such as DVLA or Fujitsu to assist with the understanding of the fraud.

Initial Investigator training comprises of a 4-6 week residential course. Investigators also receive an ad hoc training at times and are required to work on the Post Office counter for a few days at Christmas and during Strike Action.

Horizon System

- 11 We can understand why you would want to see specific areas of the Horizon data. Your Expert will want to check his theories against the relevant data. Your Client will also presumably be able to direct you through specific types of transactions where she feels errors may have occurred. We do not understand how your Expert will be assisted by being presented with a mountain of data covering 5 years.
- 12 Horizon has undergone stringent testing before it was installed.
- 13 I understand that you will re-consider this request.
- 14(a) These exchanges will have been completed by Touch Logistics who are our preferred third party supplier for injuring services. They are purely hardware swaps following a standard set of processes.

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- 14(b) All the hardware is re-conditioned, they will replace any hard drives that show as having bad blocks at repair and scrap any base units that are returned with the same fault three times. When kit is sent back from any branch, it has its memory wiped and a full software re-load takes place. The install software is then installed, and the base unit is then uniquely configured to the FAD Code, it is being installed at when it is taken to site by the Engineer. A base unit will not work at any Branch if it is simply taken from one location and an attempt to install is made at any other.
- 14(c) The location of the hardware being installed at this Branch is not relevant as it is returned to repairer prior to ever being sent out to a new Branch and will undergo the tests and processes as described above.
- 15 Enquiries are being made.
- 16 The prosecution are unable to make any promise along the lines suggested as it would be a clear breach of our duty to investigate criminal offences.
- 17 Noted.
- 18(a) No Interim Report has been served in that case, that nothing yet falls to be disclosed but that we will keep disclosure in relation to that case under review.
- 18(b) Enquiries are being made.
- 19 We do not understand how the details you seek in this enquiry can possibly undermine the prosecution case or support your Client's defence.

The Investigation Officer Jon Longman said he is prepared to meet the Defence Expert with one or more representatives from Fujitsu to discuss technical issues and to reach as much agreement as possible. This will obviously avoid much wasted time. Perhaps you could consider this point and revert back to me.

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(1) In response to the incident number P2830677 a copy of E-Mail from Robin Thompkins is enclosed sent chronologically – P2830677.

(19(v)) I now enclose a copy of the Error Notices that have been served on West Byfleet during the Subpostmasters tenure between June 2005 and January 2008.

Yours faithfully

Jarnail Singh
Senior Lawyer
Criminal Law Division

GRO