

ROYAL MAIL GROUP (POST OFFICE LTD) – CASE REVIEW

R. v JAHIRA BEGUM

Snaresbrook Crown Court

Offence

1. On the 30th September 2009 this defendant was sentenced, at Snaresbrook Crown Court, to 6 months imprisonment suspended for 12 months with a 180 hour unpaid work requirement for an offence of Theft. The single charge alleged that between the 14th May 2009 and 14th January 2010 she had stolen £18,450. Costs were awarded in the sum of £1,000.00.

Case history

2. This case was listed before the Barking Magistrates Court on 27th August 2010 and the case was adjourned. The case was next listed on 22nd October 2010 when it was committed to Snaresbrook Crown Court. The PCMH took place on 6th December 2010 where the defendant pleaded not guilty and the case was placed in the warned list for trial for the week starting 3rd May 2011. The case was eventually tried on 5th September 2011 and the defendant was found guilty and the case was adjourned to the 30th September 2011 when the defendant was dealt with as above.

Prosecution case

3. The defendant, Jahira Begum, was during the relevant period the office manager at Porters Avenue Sub Post Office, Dagenham. She had been working as such for 4 years prior to her suspension.
4. Enquiries commenced when an analysis of the office revealed that there were a number of transactions involving £250 postal orders at the office whereby postal orders had been sold, then reversed out of the system then encashed. The purported sale would generate a postal order and the reversing of the transaction would cancel it. The system would update the postal order transactions the following day by which time the postal order would have been encashed elsewhere. This Fraud would not be possible under the Horizon on line system.
5. In her interviews, conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice, on the 25th March 2010, the defendant said:
 - That she was registered as an assistant on 20th November 2008 prior to which she worked at other post offices owned by the sub postmaster and was familiar with the Horizon system.
 - She taught trainees on the system.
 - The last trainee used her code on Horizon.
 - She did the reports and trading statements
 - She used the codes FBE001 and JBE001
 - She denied responsibility for reversing postal orders.
 - She asked for a lawyer and in the second interview made no comment.

Defence case

6. In interview the defendant denies responsibility for the fraud. She served a defence statement which denied taking postal orders. She alleged that the post office was run in a disorganised manner.

7. There was no actual attack made on the Horizon system itself but there was a direct assertion that the defendant was not given sufficient training.

Discussion

8. This is a case where the defendant pleaded not guilty on the basis that she had nothing to do with the transactions. The majority of this case was dependant on the efficient working of the Horizon system. It is my view that had we been in possession of the Second Sight Interim Report at the relevant stage of these proceedings we would have disclosed it. It would have been obvious that the defence would have been interested in any material that might help them explain transactions for which the defendant denied responsibility.
9. The Second Sight Interim Report would also be disclosable, in my view, in the light of the defendant's assertion that her training was inadequate

Safety of Conviction

10. It is not the purpose of this review, nor of the review process overall, to determine whether or not any particular conviction is unsafe: that decision is reserved to the Court of Appeal only. The purpose of this process is to identify those cases where the material contained within the Second Sight Interim report would have met the test for disclosure as provided in the Criminal Procedure and Investigations Act 1996, the Code of Practice enacted thereunder and the Attorney-General's Guidelines on Disclosure, had that material been known to Post Office Ltd. during the currency of the prosecution and accordingly would or ought to have been disclosed to the defence.
11. In this case I have no doubt that, had we known of those matters identified in the Second Sight Interim report, that material should and would have been disclosed to the defence in accordance with our disclosure duties as prosecutors. For that reason alone we must inform those who represented the defendant and disclose to them both the Second Sight Interim report.

12. I consider it possible, upon receipt of this material, the defendant will seek the leave of the Court of Appeal to appeal his conviction. Where a defendant seeks leave the Court of Appeal will, often before the grant of any leave, invite the prosecution to comment upon the application.
13. I advise that, should we be so invited and/or should the defendant be granted the requisite leave, we oppose the grant of leave and any substantive appeal, on the basis that the conviction may properly be regarded as safe when one looks at the sheer quantity of transactions from the defendant's log in, the recovered postal orders and the lack of such transactions when the defendant was away on leave.

Conclusion

14. This is a case in which, had we been possessed of the material at the relevant time, we should and would have disclosed to the defence the matters identified in the Second Sight Interim report.
15. Accordingly our duty is now to place the defence on notice of this fact and to serve on them those documents. I advise that we comply with that duty in this case.
16. Should the defendant be granted leave to appeal against his conviction, we should oppose the appeal.
17. I will draft a letter to the defence for Post Office Ltd.'s approval and, in accordance with your instructions to us, serve that letter and the reports on defence solicitors.