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ROYAL MAIL GROUP (POST OFFICE LTD) – CASE REVIEW

R.

v

NICHOLAS JOHN MACKRILL & AMANDA JANE MACKRILL

York Crown Court

PRE HORIZON ON LINE CASE

Offence

1. On the 11th August 2011 both of these defendants were sentenced, at York Crown Court, to a 12 month Community Order with 100 hours unpaid work. Nicholas Mackrill had pleaded to a count of theft. The Count alleged theft of £57,000 but Mr Mackrill's basis of plea is on the basis that "I do not accept that I took much more than £10,000 as much of what I took I paid back." Whether this means that he took £10,000 and paid much of it back or he took more and the difference between what he took and what he paid back was about £10,000 is, for these purposes probably academic.
2. Amanda Mackrill pleaded guilty to False accounting and stood her trial on the theft count where she was acquitted by a Jury.

Case history

3. This case first appeared on the 26th March 2010 at the Harrogate Magistrates Court and was committed on 14th May 2010.The case was next listed on 2nd August 2010 for PCMH at York Crown Court when Nicholas Mackrill pleaded guilty and Amanda was adjourned for trial. After a number of adjournments the trial took place on 11th July 2010 and the Jury returned a not guilty verdict after a majority direction on 14th July 2010. The case was adjourned to the 11th August 2010 where the defendants were dealt with as above.

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Prosecution case

4. The defendant, Amanda Mackrill was during the relevant period the sub postmaster at the Bondgate Sub Post Office, Ripon. She ran the Post Office for 2½ years prior to being suspended on the 7th November 2008. Her husband ran the retail side of the business.

5. On 7th November 2008 auditors attended the Bondgate Sub Post Office

6. On the date of the audit, 7th November 2008, the auditor found a total shortage of £56,967.38 made up as follows:

   - £54,680.49 (-) identified as a difference in cash figures
   - £100.91 (+) identified as a difference in stock figures
   - £3,920.94 (+) identified as a difference in Foreign currency figures.
   - £6,308.74 (-) Outstanding transaction corrections not processed
   - Total £56,967.38

7. During the audit it became apparent that the branch had two cash declarations in the system. The first, £210,135.28 had been made the previous afternoon. The second, £32,375.01 had been made on the 29th October 2008.

8. The defendant, when told of the deficit told the auditors that she was shocked as she expected the shortage to be in the region of £10,000.

9. In Amanda Mackrill's interviews, conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice, on the 3rd December 2008, the defendant said:
   - She was subpostmistress at Bondgate subpostoffice and she had assistants.
   - She performed the accounting work at the branch.
   - She ran the subpostoffice and her husband ran the private side shop.
   - They bought the Post Office some 2½ years before.

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- She thought that the audit would have found her about £10,000 short as she had been suffering losses and covering them in the accounts.
- She thought that the losses came from allowing customers postage credit facilities and not accounting for this over a number of accounting periods.
- She was also concerned over staff mistakes.
- She had mistakenly declared £32,000 of her cash under a different user but this amount had disappeared from the system and she had not seen it until the auditors bought it to her attention.
- She counted the cash prior to the production of the last Branch trading Statement and other than the £9,000 all of the cash was there. The remaining £45,000 must have gone missing over the previous 9 days.
- The private side of the business had been in trouble over the past two years. She was unaware that her husband had presented cheques that were in danger of bouncing.
- She denied theft of money but admitted false accounting since the previous March

10. In Nicholas Mackrill's interviews, conducted under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice, on the 11th May 2010, the defendant said:
    - H e worked occasionally in the Post Office
    - He had nothing to do with the accounting side
    - He admitted taking Post Office money if he was short. He would pay it back the same day
    - He had done this on half a dozen occasions.
    - He did this as the shop was struggling.
    - They took Post Office money in the safe at the weekend to finance their social lives.

11. The Nicholas Mackrill returned for interview on 17th May 2010. He said that:
    - He hadn't told the whole truth and he had been taking money from the Post Office but not to the tune of £56,000

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- He first took money in March/April 2008 and took money every Thursday.
- He spent about £8,000 at the cash and carry.
- £4000 is the largest amount that he took.
- Very little of it would have been paid back
- His wife knew nothing of his thefts.

Defence case

12. In interview the Nicholas Mackrill admits theft of Post Office money and Amanda Mackrill admitted false accounting to cover up the losses.

Discussion

13. This is a pre Horizon on Line case. The Second Sight Interim Report deals largely with Horizon on Line. We have nothing to disclose that directly relates to the pre Horizon on line cases.
14. In this case Amanda Mackrill was acquitted after a trial on the theft count and was sentenced on the false accounting based on her own admissions in interview.
15. Had we been in possession of the Second Sight Interim Report during the trial process of Mrs Mackrill I have little doubt that we would have served it as in most cases where the matter in dispute involve "unexplained" discrepancies on the Horizon system.
16. Before her trial she admitted false accounting and was sentenced on that admission and her admissions in interview. The Horizon issues would not have been disclosable in relation to the False Accounting Count and the issue of retrospective disclosure does not, in my view, arise in her case in view of her acquittal on the one count where it might have been relevant.
17. Nicholas Mackrill pleaded guilty to theft on a written basis of plea which amounted to rather less than he appears to have admitted in interview. Again

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there are no reasons to make disclosure in his case as be was sentenced on his own version of events.

Conclusion

18. This is a case in which, had we been possessed of the Second Sight Interim Report during the trial process my view is that we would have had to have disclosed it to Mrs Mackrill during the disclosure process in her trial. As she was acquitted of the Count upon which she was tried and sentenced upon her own admissions it is my view that we need take no further action upon this file.

Harry Bowyer
Barrister
Cartwright King Solicitors

22nd November 2013