

Memo

16th February 2009

Fraud Team Post Office Limited

c.c. Robert Daily

POST OFFICE LIMITED v PETER ANTHONY HOLMES
CASE NO: POLTD/0809/0128

Noted. In my opinion the evidence is sufficient to afford a realistic prospect of conviction of the above named on the charges set out on the attached Schedule. In my opinion there is a medium prospect of success. The papers can be reviewed as necessary in due course.

In view of the nature of this offence prosecution is appropriate.

This case is, in my opinion, more suitable for trial in the Crown Court.

In the event that the prosecution is authorised, please forward the papers to the PSO to obtain summonses.

The matters which follow are for the Investigation Manager to deal with.

No further statements need be obtained at this stage.

If the Defendant should elect trial or if the Magistrates refuse jurisdiction or if a Not Guilty plea is entered, the Investigation Manager should obtain and associate all necessary statements and exhibits. I list below the statements which appear to be necessary in this case, but the Investigation Manager should also consider whether there are any other areas which can usefully be covered and include any such evidence.

- 1 Copy statement giving evidence of access to the accounts and describing the Defendant's duties and period of service.
- 2 Copy statement explaining the Post Office account and how losses and shortages should be accounted for. This should cover and explain how the final balance is prepared.
- 3 Copy statement dealing with searches and recovery of documentation from the Defendant's home. The transactions will need to be proved in due course.
- 4 Copy statement dealing with the audit.



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- 5 Copy statement from staff explaining their involvement in the accounting process and the part balancing undertaken by the Defendant.
- 6 Copy statement with search.
- 7 Copy statement of Interviewing Officers.

In this event, please prepare one set of typed copies of those statements and exhibits. Please also prepare typed draft lists of statements and exhibits (statements to appear in chronological order and exhibits in the same order in which they are produced by the witnesses). A separate typed list of witnesses, showing their addresses, should also be supplied.

You will be aware of the provisions of the Criminal Procedure and Investigations Act 1996 concerning disclosure. Please confirm whether there is any material which might reasonably be considered capable of undermining the Prosecution case or assisting the Defence case and which has not already been disclosed. Please also let me have Forms CS006C, D and E in any event.

The papers must be sent to this Office at least 14 days before the proposed committal proceedings or summary trial date.

It is intended to make application for compensation. On return of the papers, please advise cost of Special Delivery / total loss to the Business.

If you wish me to make application for investigation costs please let me know the amount. In the event of a conviction, an application will be made to recover these costs pursuant to Section 18 of the Prosecution of Offences Act 1965. I would be grateful if when making an application for Investigation costs the Court is provided with the information that Royal Mail Limited is a private prosecutor and a brief explanation of how these costs are calculated. If you require any assistance please do not hesitate to contact me.

The prosecution will be conducted by my Agents Messrs McKenzie Bell & Sons, Solicitors of 19 John Street, Sunderland SR1 1JG (Tel.No **GRO**). Please liaise with Agents before fixing a hearing date.

The papers should be returned to this Office at least 4 weeks before the hearing date in order that I may send the instructions to Agents.

GRO

J A McFarlane
Principal Lawyer
Criminal Law Division

juliet.mcfarlane **GRO**

Ref: CRM/261295/JMcF