

Mr. George Thomson
General Secretary
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03/04/2009

Private, In the Strictest Confidence and without Prejudice.

Dear George

Further to our telephone conversation on the evening of Thursday 02/04/2009 re-court case POL v Mrs. SJ Rudkin and the alleged comments of Alan Cook advising you of the forth coming legal proceedings.

At your discretion and in confidence George having read the enclosed correspondence between Alan and me it would be of assistance to Susan and me if you would give some consideration in asking Alan Cook to reconsider this case and instruct his legal department to withdraw from this **private** prosecution by POL against Susan for a number of reasons.

- Alan makes a valid point in his letter when he points out that the “cash and stock we are accountable for are public funds”. However, given the fact POL has accepted a re-payment plan of these funds from me. I must ask how are the interests of the tax payer being served by POL spending thousands of pounds of that public money on legal proceedings. If it was in the interests of the public why not let the Crown Prosecution Service (CPS) deal with the matter. I know why it's not passed to the CPS because they would not proceed because of the reasons I shall sight below.

Sub-Postmasters Contract - Section 12.

Responsibility for Post Office Stock And Cash.

- **Losses – (12).** The Sub-Postmaster is responsible for all losses caused through his own negligence, carelessness or error, and also for losses of all kinds caused by his assistants. **Deficiencies due to such losses must be made good without delay.**

I believe I have complied with the sprit of this clause in having no prior knowledge of the shortage and with a negotiated repayment plan from salary which has been accepted by Post Office Ltd.

SPMR Contract - Section 15**Sub-Office Assistant Accused OR Suspected OF Dishonesty ETC.**

- (10) - In cases where an assistant is accused or suspected of dishonesty or any other offence such as willfully delaying postal packets, the Sub-Postmaster must report the particulars to the Regional General manager as soon as possible and await instructions. If the report is made by telephone it must be confirmed in writing as a matter of urgency.

Response;

Section 15 - (10), George we complied immediately, with Susan acknowledging prior to the commencement of the audit there would be a substantial shortage in the Post Office accounts and that I had no prior knowledge BECAUSE I was working for the NFSP & POL and she had lost control of running the business.

- (11) In cases where the person employed by the Sub-Postmaster is guilty of misappropriating Post Office Counters Ltd money, any sum which may be tendered by, or on behalf of, the offender may be accepted but a receipt must be given showing that the money is held pending possible investigation and without prejudice to any action that Post Office Counters Ltd may be advised to take. The Sub-Postmaster should be careful not to take any action which may be liable to prejudice the question of legal proceedings. A copy of any receipt must be kept for reference.

Response;

Section 15 – (11) - Stating the obvious you got me the office back George so £21,000 loss from salary over three months is neither here nor there but I do have to argue the case with a friend, and - may be advised to take, indicates a high level of **discretion** with the use of the word MAY. So is it mandatory to take legal action or is it at the **discretion** of POL whether or not to take legal action. Not all cases end up in court with POL as the prosecutor.

SPMR Contract - Section 19.**Suspension From Office.**

- (5) – Where a Sub-Postmaster is suspended his remuneration in respect of any period of suspension will be withheld so long as such suspension continues.

Response: Not a problem here George, logical, but it does create even further financial difficulties when SPMR's are already experiencing difficulties.

Section 19 - Continued

- (6) – On the termination of the period of suspension whether by termination of contract or reinstatement, the Sub-Postmaster's remuneration in respect of the period may, after consideration of the whole of the circumstances of the case, be forfeited wholly or in part. If remuneration is paid any rent or other expenses which may have been paid to him in respect of the continued use of his premises for Post Office purposes during the period of suspension will be deducted.

Response: The use of that discretionary word again MAY. I ask once more are proceedings mandatory or discretionary.

Your interpretation of the following please George - refer to the enclosed letter dated 8th December 2008 from Dawn Wall - Agents Debt Team - Chesterfield. Outstanding debt to be deducted from remuneration £12,000, is the instruction clear on how much debt is to be recovered? My interpretation from the instruction is only £12,000 of the £44,000 is to be recovered from salary - or is it?

Whilst we have a national agreement that stipulates no more than 25% of a Sub-Postmaster's salary shall be deducted in any one year so as not to create financial hardship to the SPMR, £12,000 is representative of 25% of my salary. However the letter is ambiguous to say the least, it states the terms are £12,000 to be recovered to clear outstanding debt over 12 months. Once more open to interpretation but if they are writing off the balance of approximately £32,000, I am very, very grateful and have no wish to prejudice this magnanimous offer!!

George I refer you to the enclosed letter dated 11th November 2008 to Paul Williams seeking clarification on the restraining/confiscation order. I think highly of Paul and Paul did state to me at the RTU he had never come across an order of this kind but would seek clarification for me. It gives me cause for concern when 21 weeks on and still no replies to my letter on the matter of the restraining order.

As you will appreciate George our concerns grow when our solicitors are struggling to get an answer from POL's legal team on the restraining/confiscation order?

I must ask the question is someone thinking/being instructed to proceed using the proceeds of crime act and taking Susan's share of the business/property because if they

do it effectively bankrupts us as a couple. £4,000 has already been spent in defense costs before we were eligible to claim legal aid. You can only receive legal aid once a summons has been served on you and as we know it took POL 22 weeks to come to that decision, creating further financial hardship. I learn something new everyday George.

As you may be aware Susan has been receiving counseling and medication from her Doctors at Ibstock surgery for depression, anxiety as a result of talking of ending it all, taking her life because of the shame she has brought about and ending my other life within the NFSP.

Yesterday (Friday 3rd April 09) Susan was asked to attend the Doctors surgery to see her GP - Dr Peden who has now confirmed after blood tests Susan is suffering from Systemic Lupus Erythematosus (SLE). This disease is an autoimmune condition which attacks healthy body cells.

Some of the symptoms are:-

Fever, Weight loss or Gain, Swollen Lymph Glands, Recurring Mouth Ulcers, Hair Loss, High Blood Pressure, Depression and Anxiety, Migraine, Anemia, Raynaud's Phenomenon (condition limits the blood supply to your hands), **Kidney Damage, Heart Conditions, Pleurisy, Joint Pain.**

More test are now required to establish how advanced the Lupus (SLE) is in the case of Susan; effectively she is wasting away from the inside out George. NHS statistics state 3 in 10,000 women have SLE; the condition is nine times more likely in women than men.

Susan has attended her first interview with the probation service on Saturday 4th April 09 at 09:30 hrs in Leicester. The probation officer will produce what is known as a Probation Standard Report (PSR) about Susan Rudkin and the background to the case as they see it for the courts.

The author of the (PSR) will be Ellen Hodgins who spoke with Susan at length on Saturday 4th April 09, then Ellen took the opportunity to speak with me in the presence of Susan to confirm the events that have taken place since the 20th August 2008 when I was suspended from office. (Copy enclosed). Ellen went to great lengths to explain to Susan that this will be a custodial sentence with a very slim chance of a suspended sentence. Ellen the Probation Officer did express concern with one of the remedies that had been put in place, she understood POL will be reimbursed out of my remuneration at the rate of £1,000 per month but then couldn't understand why POL had become obstructive with a restraining order prohibiting me from selling and repaying or doing anything.

One final copy enclosed George is in the strictest of confidence and is taken from my Magistrates Sentencing Guide Book so you can see and understand the structured approach that is applied by the courts (HMCS) when considering sentencing and please take particular notice of the starting point for sentencing in the guide. This is why I am asking you for one last effort if you feel you can enter into discussion with Alan Cook who does have the discretion and ability to stop these proceedings.

I have personally dealt with this matter in the strictest of confidence and will continue to do so even to the point; the correspondence between Alan Cook and me has not and will not be divulged to the solicitors representing Susan, not that there is anything incriminating or derogatory in the correspondence.

Furthermore the trial if POL still proceed will not be heard in Leicester it has been moved to Stafford I hope you can understand why the court have taken these steps George. Should the prosecution proceed I will most certainly have to resign as a Magistrate, a loss to me personally and a loss to the Federation as another skill will be lost to the EC.

Yours Sincerely.

Mr. EM Rudkin.
Sub-Postmaster