POL00054248

Issy Hogg
GRO
GRO
01/03/2010 09:32

To: "jarnail.a.singh GRO
cc: Keith Hadrill GRO >,
"khadrill GRO GRO >,
"warwicktatford GRO GRO >
Subject: RE: REGINA v SEEMA MISRA GUILDFORD CROWN COURT TRIAL - 15TH MARCH 2010

Dear Jarnail,

Further to previous correspondence, I now attach my skeleton argument in relation to our application for count 1 to be stayed for abuse, together with our expert's 4th and 5th interim reports. As a result of these reports and your email of 24th February I also attach my 4th request for disclosure.

Regards

Issy

Issy Hogg

Coomber Rich Solicitors
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-----Original Message-----
From: jarnail.a.singh GRO [mailto: GRO]
Sent: 24 February 2010 14:57
To: Issy Hogg
Subject: REGINA v SEEMA MISRA GUILDFORD CROWN COURT TRIAL - 15TH MARCH 2010

Dear Ms Hogg,

I have heard from Gareth Jenkins who informed me that he had a 90 minute lengthy discussion with your Expert Charles McLachlan as long ago as Friday 12th February 2010.

In the meantime I now enclose the replies to the third disclosure request. However if any of the items you have requested have not been dealt with if you can give a reason wanting that item then of course the prosecution will consider those. As always I am continuously and constantly keeping the disclosure under review.

THIRD DISCLOSURE REQUEST

1 That was the contract in the form it was served.

2 We are well aware of our statutory duty of disclosure as you know the prosecution have reviewed a large volume of material. The only material

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disclosable is Callender Place as we know Mr Jenkins is making full investigations so the full position can be ascertained.

TRAINING

1 The training material is at West Byfleet Post Office. Presumably you want simply an opportunity to inspect or view it on site.

2 We do not understand the relevance to dates to which your Client received the documents. The real issue is did she steal the money or make mistakes. This is an issue for the experts when they look at the Horizon data.

3 See above.

4 ___

5 The prosecution is under no obligation to provide witness statements. You have full details of the witness and can contact him if you wish.

6(a) This statement is in the most useful format. The purpose of this statement was to provide material in digestive form. Logs are impossible to follow unless undertaken by an expert. We do not see the relevant calls made prior to your Client's taking Office. We have provided the information in the most useful form in the light of the data.

(b) The analysis data confirms that.

7(a) You have been provided with all available training material.

(b) What are the real issues in the case.

(c) Are we looking at the quality of the training but Mrs Misra made mistakes which will be investigated by two experts. In fact the real issue in this case, did she steal the money or deliberately attribute it to mistakes by her and the training background is information only.

8 We believe we have complied with our disclosure obligation. Whether any mistakes were made. Experts can examine them themselves.

9 We stand by our position. Our response is that there has been a misunderstanding, there is no reason to put this in a statement form. If it carries to trial it carries with it a risk that your expert and your Miss Hogg will become witnesses in the case which is highly undesirable. We suggest you re-consider.

10 We have already answered this request. There are no back up teams no more than the Police Force investigating crime. Investigators consider all reasonable explanations. Your Client did not give an explanation other than other people were responsible. If your Client had made mistakes that will be ascertained by two experts in their enquiries.

11 Costs is a consequence of Royal Mail contractual relationship with Fujitsu. Our duty of disclosure is whether material which undermines the prosecution case and supports your Client's defence. We hope if the experts look at a short span of information ie the period where your Client falsified her records as set out in our previous letter. We hope it will not be necessary to examine records for 5 years. Your Client was inflating figures over a long period. If this were as a result of mistakes over an extended period we think analysis over shorter period of falsifying accounting offences by your Client did not appear to remedy large loss. There appears to be a long standing pattern of discrepancies which would appear in a short period as it would be on the long extended period. If mistakes are found in a short span of data the Crown will obviously review its position as to acceptability of your Client's plea.

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(b) Our disclosure obligation do not require us to justify why data for a 5 year period is so expensive.

12 We anticipate the areas are for the experts to discuss.

13 The audit was not completed.

14, 15 We have disclosed all information in our possession. We are not required to serve witness statements. It is clear that Steamline has no relevance.

16 We are not prepared to make any promise in relation to criminal or civil action. The issue is whether problems referred to was happening at Byfleet is something for the experts to examine.

17 The equipment is being updated. The original equipment is preserved after updating has occurred.

18 Prosecution Counsel has reviewed the case of Hosi. There is no material that requires disclosure.

19 Please refer to our answer to paragraph 8. Prosecution Counsel has reviewed all material. We are still investigating Callender Place. We recognise our duty of disclosure is a continuing one.

20 We repeat our answer in respect of Callender Place.

Yours sincerely,

Jarnail A Singh
Senior Lawyer
Criminal Law Team

Tel.No: GRO
Fax.No:

4th interim technical expert's report to the Court 2010-02-12 v0 1.doc

5th interim technical expert's report to the Court 2010-02-25 v0 1 (2).doc

Skeleton argument (ICH version).doc