POL00424122

POST OFFICE LTD

v

KIM ELIZABETH WYLIE

INITIAL ADVICE

Prosecution case

1. At the end of June 2010 Ms Wylie received a letter informing her that Winlaton Post Office would be migrating to Horizon Online (HOL). On the 9th July 2010 she reported a £33,142.96 shortage in trading period 4. She could not explain how the shortage had occurred. The HOL Advisor, Brian Cordery reported concerns that he had been presented with money twice whilst conducting a cash check prior to migration. On 10th September 2010 an audit was carried out at Winlaton Sub Post Office Branch, GRO GRO by Mr. Ged Dresser and Bryan Marshall, Post Office Field Support Advisors, which revealed a deficit in the accounts of £5434.93.

2. In interview Mr. Prince said that:

   i) She could not explain the shortages as she hadn't done anything incorrectly. She could not explain the £33,142.96 shortage in Period 4

   ii) She was aware that the cash would be checked after she received the letter about migration to HOL. She confirmed that the cash shortage of £33,142.96 was reported after the receipt of this letter.

   iii) She denied reintroducing cash to Mr Cordery.

   iv) She is the only person with keys to the shop and office.

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v) She denied theft and false accounting and cast doubt on the integrity of the Horizon system blaming it for the error.

Defence Case

3. The most obvious route for the defence in this case is to suggest that the Horizon system is flawed or possibly that another member of staff stole the money

Statements

4. We will need a full statement from:

- Brian Cordery.
- Ged Dresser and Bryan Marshall detailing the audit on the 10th September 2010. This should explain in layman's terms where the losses came from and how the cash figures are arrived at. A brief summary should be included as to how these monies should be dealt with in the normal course of business. The y should formally exhibit any paperwork filled out by Ms Wylie including the cash and stock declarations.
- Robert Daily and Robert Brown dealing with the visit to Winlaton Post Office on the 12th October 2010 and in the case of Robert Daily dealing with interview of Ms Wylie and the difficulties of getting her to interview.
- We will need to prove the integrity of the Horizon system as there appears to be apocryphal evidence on the internet that it is causing big losses to Post Masters.

Discussion

5. This case could be properly charged as two charges of theft, one to cover the cash discrepancy of £33,142.96 in period 4 and the other to cover the discrepancy of £5434.93 uncovered in the September audit. The Courts generally do not like Theft and False Accounting charges to be charged in tandem for the same course of conduct. *R v Eden 55 Cr. App.R. 193 CA* (Archbold 21-238)

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6. I attach draft charges.

Harry Bowyer **28/10/2011**
Barrister
Cartwright King Solicitors.
GRO

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CHARGES

Charge 1: Theft – Theft Act 1968

KIM ELIZABETH WYLIE, between (Date needs to be chosen to cover period of offending) and the 10th of July 2010, stole £33,142.96 belonging to Post Office Limited contrary to Section 1(1) of the Theft Act 1968.

Charge 1: Theft – Theft Act 1968

KIM ELIZABETH WYLIE, between 10th of July 2010and the 10th of September 2010, stole £5434.93 belonging to Post Office Limited contrary to Section 1(1) of the Theft Act 1968.

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