

CARTWRIGHT KING**BRIEFING NOTE**

Branch Name:	Ibstock SPO
SPMR Name:	Mr Michael Rudkin
Case Number:	M005

1.**Prosecution Case**

- The Applicant held the post of Subpostmaster at Ibstock Post Office from 25 October 2000 until his suspension on 20th August 2008 following an audit. The Applicant was reinstated on 12 November 2008 until he was precautionary suspended for a second time following another audit on 29 January 2010. The Applicant's contract for services was terminated by Post Office on 24 March 2010 with an effective date of 29 January 2010. .

2.**Court Proceedings**

- Following the 20th August 2008 the applicant's wife was charged with and pleaded guilty to Theft

3.**Applicant's Response to Mediation Scheme**

The Applicant complains that:

- Horizon became "defective which caused errors";
- Horizon could be accessed remotely by Post Office without his knowledge or consent;
- he received inadequate training;
- the Network Business Support Centre (NBSC) failed to address issues raised; and
- audits were not conducted correctly.

4.**Analysis**

- It is Post Office's firm belief that the major losses suffered by the Applicant were caused by theft by his wife. Other very minor losses were likely to have been caused by simple human error on the part of the Applicant or his assistants. There is no evidence to support the Applicant's assertions that there were failings with Horizon which contributed to the losses at the branch.
- Unless this position is resiled from this case should not cause any problems with any POL prosecutions past or pending.

5.

Dangers to Post Office Limited

- This case did not result in a conviction for the SPMR but did for his wife.
- If concessions are made that *might* render this **conviction** unsafe then the Applicant's wife may well be put in a position whereby she is able to appeal that conviction.
- Were such an appeal to succeed, then POL would be open to a claim for damages and/or restitution of monies paid by this appellant under any confiscation order.
- Such concessions would have to be disclosed to those with similar convictions. This may well necessitate a review of many hundreds of cases to establish who else may be entitled to such disclosure.
- If concessions are made that might render the **sentence** imposed in this case manifestly excessive then the Applicant might well be put in a position whereby she might be able to appeal that sentence, with similar consequences for POL.
- And again those concessions would have to be disclosed to those with similar convictions, with similar consequences for POL.
- **This is not a case where any concessions can or should be made; to do so has the potential to render her conviction by guilty plea unsafe, or her sentence as manifestly excessive; and accordingly to invite an application to the Court of Appeal.**

Harry Bowyer
Barrister
Cartwright King Solicitors.

14th April 2014