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POST OFFICE LTD – CASE REVIEW

R –v- PETER ANTHONY HOLMES

Newcastle-upon-Tyne Crown Court

PRE-HORIZON ON-LINE CASE

Offence and Case History

1. The defendant was charged on an indictment containing a single count of Theft of £46,049.16 between 1st August 2007 and 19th September 2008 from Post Office Limited. There is no court result sheet in this case. There is a letter from the defence dated 24th August 2009 suggesting that no evidence is offered on 'count 1' (the Theft count) and a charge of False Accounting be added to the indictment between 1st August 2007 and 19th September 2008.

2. In January 2010 he was sentenced to a home detention curfew order with costs of £750.00 (presumably as a requirement of a Suspended Sentence Order or a Community Order). There is no correspondence on the papers that we have relating to confiscation proceedings. This advice is limited by virtue of this lack of information.

3. The defendant was summonsed and appeared before the Gosforth Magistrates Court on 30th March 2008. He indicated a not guilty plea and the magistrates declined jurisdiction. He was committed to the Newcastle Crown Court on 8th June 2009 for a Plea and case Management hearing on the 22nd June 2009.

4. He pleaded not guilty to Theft but offered a plea to false accounting on that date. The trial was put in the warned list for the 14th September 2009.

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5. A Defence statement was served on the 5th August 2009 which accepted false accounting but denied taking any POL funds.

6. However, the trial was vacated and listed for 14th December 2009. There are indications that the defendant pleaded guilty on the first day of trial but we have not seen any log or correspondence to confirm this.

Prosecution case

7. The defendant had been employed as Post Office Manager at Jesmond Post Office since approximately 1996. He was in charge of the balance. He provided the sub-postmaster, Sunil Khanna, with a copy of the Branch Trading Statement until August 2007 when he stopped providing them. On 18th September 2009 officers arrived to perform an audit. They waited for the defendant let them into the Post Office as Khanna did not have the alarm codes. The audit revealed a shortfall in the branch of £46,049.16. This comprised as follows:
    - £45,874.49 cash shortage
    - £189.84 stock shortage
    - £34.37 difference in foreign currency figures making a surplus
    - £0.80 difference in cheque on hand figures making a surplus
    - £20.00 shortage in the suspense account.

8. The defendant was interviewed under caution on 19th September 2008. He said as follows:
    - He had been working in Jesmond Post Office for 10 years. He had previously had a Post Office of his own for 6/7 years and provided holiday relief at various others;
    - He was given 'typical Post Office training';
    - He found HORIZON 'very slow' and mentioned problems with it as it was connected to a telephone line that also had a fax machine connected to it, 9 months previously, for 3 months;

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- He said he did the monthly balance but not the weekly balances. However, when asked who did the balance, he said 'Doreen and I together' (Doreen Corcoran – her statement is listed in the bundle of statements but missing from the papers) but when the computer got slow, Doreen would go home at about 6.30 and he would finish it off;
- He had absolutely no idea how the shortage in the audit occurred unless 'HORIZON had let 'us' down';

Defence case

9. The defendant served a defence case statement with 2 dates - 16th July 2009 and 30th July 2009 (in the same document) in which he denied stealing any money from the Post Office. He said that the HORIZON system had 'on occasion been at fault and ultimately created the shortfall by creating incorrect entries'. He did accept that he falsified documents to cover the discrepancies but said this was only because he thought error notices would be generated and that the money was not actually missing.

10. The defence served an accountant's report stating that the money going through the defendant's bank account was from his wife's business.

Discussion

11. The defendant admitted from interview onwards that he had been falsifying accounts, this admission was continued in his defence statement and through to his plea. The fact that he was not given an immediate custodial sentence suggests that the Judge sentenced on that basis.

12. In my view, given his admissions in interview, and subsequently, to false accounting and the lenient sentence imposed thereafter there is nothing in the Second Sight Interim Report that could be used to found an appeal against either conviction or sentence.

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Conclusion

13. This is not a case that warrants further disclosure to the defendant or his legal advisors.

Harry Bowyer **3rd September 2014**

BARRISTER

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