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CRIMINAL APPEAL ACT 1995

STATEMENT OF REASONS FOR A REFERENCE TO THE CROWN COURT

CCRC case reference	00610/2015
Applicants:	Oyeteju Adedayo
Applicant's representative:	Hudgell Solicitors <u>nmh</u> GRO
Court:	Southwark Crown Court
Other parties to the appeal:	Post Office Limited 20 Finsbury Street London EC2Y 9AQ

In the exercise of its powers under the Criminal Appeal Act 1995 ("the Act") the Criminal Cases Review Commission ("the CCRC") has considered an application for review of the conviction of Oyeteju Adedayo.

The CCRC has decided to refer Mrs. Adedayo's conviction to the Crown Court.

This Statement of Reasons should be treated as an addendum to the CCRC's Statement of Reasons dated 3 June 2020 – which is attached at Annex 1 - and is designed to be read alongside that document.

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Details of Conviction and Sentence

Date:	08/01/2004
Court:	Medway Magistrates' Court
Offence	Sentence
False accounting x 3	50 weeks' imprisonment suspended for 24 months with 12 months of supervision and 200 hours of unpaid work

- i. The CCRC has decided that there is a real possibility that Mrs. Adedayo's appeal against conviction would be successful and so is referring it to the Crown Court. The CCRC's decision is explained in the "Analysis and Reasons" section of this Statement of Reasons. The grounds on which this case is being referred are summarised in the "Decision" section.
- ii. The position in relation to papers considered and disclosure of material is set out in Annex 1. A summary of the Commission's powers is at Annex 2.
- iii. Information about files made available to the CCRC and key documents which have informed the CCRC's understanding of the facts of Mrs. Adedayo's case can be found at Annex 3.

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Introduction

1. Between March 2015 and March 2020, the CCRC received applications from 61 individuals who were formerly sub-postmasters ("SPMs"), or managers or counter assistants in Post Office branches, who had been convicted of or who had pleaded guilty to theft, fraud or false accounting of which the Post Office was the victim. Where they are mentioned in this Statement of Reasons they are referred to as the "Post Office applicants".
2. The Post Office applicants submitted that there was new evidence concerning (i) failings in the Post Office's Horizon computer system and (ii) the response of Post Office Ltd ("POL") to those failings which was relevant to the safety of their convictions. They said that there were underlying faults in the Horizon system which caused it to overstate the amount of cash or stock which should be on the premises of a particular branch, thereby causing unexplained shortfalls in branch accounts, and that this in turn led to their convictions. They also submitted that Fujitsu, the company which developed and operated the Horizon system for the Post Office, had undisclosed information about errors caused by the system.
3. Separately, approximately 580 former SPMs, Crown Office employees, managers and counter assistants brought civil claims for damages against POL relating to the alleged deficiencies in the Horizon system. In March 2017, the High Court made a Group Litigation Order for the management of these claims. 62 of the civil claimants had criminal convictions in connection with shortfalls at the Post Office branches at which they formerly worked; and 53 of those individuals are also applicants to the CCRC. The High Court proceedings led eventually to the "Common Issues" judgment¹ in March 2019 and the "Horizon Issues" judgment², delivered on 16 December 2019. Shortly before the Horizon Issues judgment was handed down, the claimants and POL reached a settlement which brought to an end the civil proceedings.
4. On 3 June 2020 the CCRC formally referred the convictions of 34 Post Office applicants to the Court of Appeal (Criminal Division), on the following ground:

"In view of the findings of the High Court in *Alan Bates & Ors v Post Office Ltd (Judgment No 3) "Common Issues"* [2019] EWHC 606 (QB) and *Alan Bates & Ors v Post Office Ltd (Judgment No 6) "Horizon Issues"* [2019] EWHC 3408 (QB), there is a real possibility that the Court of Appeal will conclude that it was an abuse of process to prosecute these cases, and will conclude that the associated

¹ *Alan Bates & Ors v Post Office Ltd (Judgment No 3) "Common Issues"* [2019] EWHC 606 (QB).

² *Alan Bates & Ors v Post Office Ltd (Judgment No 6) "Horizon Issues"* [2019] EWHC 3408 (QB).

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convictions are thereby unsafe." [Paragraph 192 of CCRC Statement of Reasons, 03/06/2020]

5. The CCRC's detailed reasons for that decision are set out in its "Statement of Reasons for a Reference to the Court of Appeal", dated 3 June 2020 (hereafter "the referral SoR"). A detailed summary of the background to the Post Office cases appears at paragraphs 9-25 of the document, while paragraphs 5-8 summarise the CCRC's main reasons for the referral decision.
6. When the CCRC formally referred the convictions of 34 Post Office applicants to the Court of Appeal on 3 June 2020, the CCRC also announced that it had decided to refer the convictions of seven further Post Office applicants to the Court of Appeal. Those seven cases were formally referred to the Court of Appeal on 29 July 2020, and a Statement of Reasons relating to those cases was supplied to the Court of Appeal on that date. A further referral was sent to the Court of Appeal on 25 November 2020.
7. When deciding to refer the 34 Crown Court convictions to the Court of Appeal, the CCRC also decided to refer for appeal on the same basis the convictions of a number of Post Office applicants who pleaded guilty or who were convicted in Magistrates' Courts.
8. Since 29 July 2020 the CCRC has continued work reviewing the cases of other Post Office applicants, including Mrs. Adedayo. Mrs. Adedayo's case is now addressed in this Statement of Reasons.

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Mrs. Adedayo's Conviction

This section summarises the case as presented in the original proceedings. It does not necessarily reflect the CCRC's view of that evidence or of those arguments or indeed the applicant's assessment of the evidence or arguments as presented to the CCRC.

1. Mrs. Adedayo was the SPM of a branch of the Post Office located within a Mace Convenience Store in Gillingham.
2. She pleaded guilty to three allegations of false accounting at Medway Magistrates' Court on 19 January 2006. The total amount involved was £52,864.08. There were also a number of matters taken into account ('TICs').
3. It was accepted that at some point prior to Mrs. Adedayo's interview under caution, a piece of paper containing her written confession was created and signed by her and by the auditor. The CCRC has not been able to locate a copy of this confession.
4. In the interview, Mrs. Adedayo admitted to taking the money to repay family members who had lent her and her husband £50,000. These family members were demanding repayment. Mrs. Adedayo attempted to raise the money owed via a loan but she was unsuccessful in doing this.
5. Mrs. Adedayo pleaded guilty to withdrawing £20,000, £10,000 and £20,000 which had been paid to the relatives. She made false entries in her weekly accounts which showed what the accounts would have been had she not done this. The three dates of the offences were the dates on which the money was withdrawn.
6. The TIC offences related to entries made in the weekly accounts which showed incorrect figures.
7. The matter was committed to Maidstone Crown Court for sentence as the District Judge felt the Magistrates' powers of sentence were insufficient.
8. The Crown Court sentenced Mrs. Adedayo to 50 weeks' imprisonment suspended for 2 years with 12 months' probation and 200 hours unpaid work.
9. A confiscation order was made for £52,864.08 and this was paid in full by Mrs. Adedayo.
10. As Mrs. Adedayo pleaded guilty in the Magistrates' Court, she had no right of appeal against her conviction.

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Mrs. Adedayo's Submissions

11. In addition to the general submissions referenced at paragraph 35 of the referral SoR, Mrs. Adedayo's particular submissions can be summarised as follows:
- a. Her confession was 'involuntary and false'. She was coerced into pleading guilty and told it would be better for her to plead guilty, accept liability and pay back the money rather than proving her innocence.
 - b. She was told that if she paid back the money, the Post Office would not prosecute.
 - c. There was no proper explanation from the Post Office as to how the loss came about even though her solicitor raised issues with them in relation to discrepancies.
 - d. She was reminded of the contract she signed stating she would make good any shortages. In hindsight she now knows the exclusion clause was unfair.
 - e. She was coerced into coming up with a statement to explain how the money went missing.
 - f. She made many calls to the helpline to tell them that there were overpayments or shortages on Horizon. They told her to adjust the figures in order to rollover as otherwise she could not operate the next day. She only did this because the Post Office told her to.
 - g. She was made to feel it was an issue particular to her and therefore that she must have stolen the money.
 - h. She lied when she said she had used the money to pay back loan sharks. In fact, the shops were financed by loans from Lloyds Bank, the Royal Bank of Scotland and Clydesdale Bank. This is shown by the exhibits she had provided.
 - i. Her case was headline news in the paper and on the local radio stations.
 - j. She felt suicidal and unable to function having been coerced into admitting a crime of which she was not guilty. Her conviction affected her family and her business and she has found it difficult to obtain employment since due to her criminal record.

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12. On 3 June 2020, Mrs. Adedayo was sent a Provisional Statement of Reasons ('PSoR') refusing her application. She then instructed Hudgells Solicitors and they provided further submissions in which they said:

- a. There was evidence which casts doubt on the veracity of Mrs. Adedayo's confession and subsequent admissions in interview.
- b. Moreover, there is reason to believe the Post Office did not evidence the shortfall in her case but relied solely on her admissions in prosecuting her.
- c. The CCRC should take into account the law in relation to confession evidence. The starting point is that s.76(2) of the Police and Criminal Evidence Act 1984 ('PACE') states:

"If, in any proceedings where the prosecution proposes to give in evidence a confession made by an accused person, it is represented to the court that the confession was or may have been obtained:

 - a. by oppression of the person who made it; or
 - b. in consequence of anything said or done which was likely, in the circumstances existing at the time to render unreliable any confession which might be made by him in consequence thereof,

the court shall not allow the confession to be given in evidence against him except in so far as the prosecution proves to the court beyond reasonable doubt that the confession (notwithstanding that it may be true) was not obtained as aforesaid).
- d. In addition, s.78 of PACE states that if it appears to the court that, having regard to all the circumstances including the circumstances in which the evidence was obtained, the admission of the evidence would have such an adverse effect on the fairness of proceedings that the court ought not to admit it, there is a discretion to exclude the confession.
- e. In considering whether a distinction can be drawn between cases where the defendant raised the integrity of Horizon before pleading guilty and cases where a defendant gave a positive account of their own actions in stealing the money, the CCRC should consider with great care how and why admissions were made.
- f. The circumstances in which the confession was given were problematic:
 - i. It is inconceivable that a 45 year old woman of positive good character with no experience of the court system would write a

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confession on a piece of paper of her own accord and ask that the auditor sign it. It follows that the auditor must have had some involvement in how the confession came to be obtained.

- ii. The CCRC may take the view that the language of the confession is inconsistent with how Mrs. Adedayo expressed herself in interview.
 - iii. The case-specific disclosure suggests that due to Mrs. Adedayo's guilty plea, no statement was taken from the auditor.
 - iv. Mrs. Adedayo's assertion that she was encouraged to admit taking the money and offer swift repayment to avoid prosecution cannot be gainsaid.
 - v. The confession itself was lacking in key details such as when Mrs. Adedayo took the money.
- g. An encouragement to confess made by a Post Office auditor to a SPM of good character with no knowledge or understanding of the criminal justice system is plainly capable of amounting to an inducement for the purposes of s.76(2)(a) and/or (b), although it is accepted that (b) is more obviously engaged. It is difficult to see how the written confession which Mrs. Adedayo allegedly handed to the auditor could have been produced other than with some inducement from or involvement with the auditor.
- h. The narrative of Mrs. Adedayo having inflated the cash accounts did not come from Mrs. Adedayo but rather from the person interviewing her. The interview as a whole does not demonstrate any coherence or consistency. This is consistent with Mrs. Adedayo's contention that the confession was false.
- i. Once it is accepted the confession and admissions are unreliable, the CCRC is faced with the difficulty that the losses in this case do not appear to have been proved in evidence.
- j. Mrs. Adedayo raised at least one issue in respect of Horizon with the Help Desk eight months earlier.

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The CCRC's Review

13. The CCRC carried out a lengthy review of the convictions of the Post Office applicants. The numerous enquiries which the CCRC carried out are summarised at paragraph 37 of the referral SoR. Ultimately, however, it is the CCRC's analysis of the High Court's 'Common Issues' and 'Horizon Issues' judgments and consideration of PACE s.76 which have formed the basis of the CCRC's decision to refer Mrs. Adedayo's conviction for appeal.

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Analysis and Reasons

Abuse of Process

14. The CCRC has considered the issues raised by the submissions of the Post Office applicants regarding the Horizon system, in particular taking into account the 'Common Issues' Judgment and the 'Horizon Issues' Judgment in the civil case. It is the conclusion of the CCRC that the findings of the High Court represent a fundamental shift in understanding with regard to the operation of the Post Office Horizon system, and particularly on the reliability of that system and the accuracy of the branch accounts which it produced. The CCRC further concludes that the High Court's findings have established that the Horizon system is far less reliable than it was presented as being at the time of the prosecution of Mrs. Adedayo in 2004.
15. The CCRC considers that there are a number of findings in the High Court judgments (see the list of key findings at paragraph 112 of the referral SoR) which, taken together, are of potential significance to the convictions of the Post Office applicants, including those applicants who were convicted in the Magistrates' Court. In the CCRC's view, the most important points are:
 - That there were significant problems with the Horizon system and with the accuracy of the branch accounts which it produced. There was a material risk that apparent branch shortfalls were caused by bugs, errors and defects in Horizon.
 - That POL failed to disclose the full and accurate position regarding the reliability of Horizon.
 - That the level of investigation by POL into the causes of apparent shortfalls was poor, and that the Post Office applicants were at a significant disadvantage in seeking to undertake their own enquiries into such shortfalls.
16. The CCRC considers that the High Court's findings regarding the poor level of investigation and of disclosure by POL are particularly significant in the context of criminal proceedings, including proceedings in Magistrates' Courts. The CCRC takes the view that those findings by the High Court give rise to a cogent argument that POL failed adequately to discharge its duties - under CPIA 1996 - as an investigator and/or a prosecutor. In the light of the High Court judgments, there are significant concerns that POL investigators and prosecutors did not ensure that all reasonable lines of inquiry were pursued, but instead routinely assumed a theory of the case which was adverse to the SPMs under investigation. The High Court judgments also raise significant concerns that POL prosecutors did not ensure that all material was disclosed which was capable of assisting the Post Office applicants.

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17. The referral SoR explores in detail the potential abuse of process arguments which arise as a result of the findings in the High Court judgments. The Crown Court is invited to consider the analysis at paragraphs 111-130 of that SoR. The CCRC considers that that analysis also applies to the cases of Post Office applicants who were convicted in Magistrates' Courts. The CCRC considers that the findings of the High Court give rise to two possible lines of argument in relation to abuse of process:

- The reliability of Horizon data was essential to the prosecution and conviction of the Post Office applicant in question and, in the light of the High Court's findings, it was not possible for the trial process to be fair.
- The reliability of Horizon data was essential to the prosecution and conviction of the Post Office applicant in question and, in the light of the High Court's findings, it was an affront to the public conscience for the Post Office applicant to face criminal proceedings.

Confession

18. The Police and Criminal Evidence Act 1984 ('PACE') states:

"s.76(2) If, in any proceedings where the prosecution proposes to give in evidence a confession made by an accused person, it is represented to the court that the confession was or may have been obtained:

- a. by oppression of the person who made it; or
- b. in consequence of anything said or done which was likely, in the circumstances existing at the time to render unreliable any confession which might be made by him in consequence thereof,

the court shall not allow the confession to be given in evidence against him except in so far as the prosecution proves to the court beyond reasonable doubt that the confession (notwithstanding that it may be true) was not obtained as aforesaid).

19. In addition, s.78 of PACE states that if it appears to the court that, having regard to all the circumstances including the circumstances in which the evidence was obtained, the admission of the evidence would have such an adverse effect on the fairness of proceedings that the court ought not to admit it, there is a discretion to exclude the confession.

20. In *R v Barry* (1992) 95 Cr.App.R. 384, it was said that s.76(2)(b) requires the Judge to adopt a three step process:

1. Identifying what was said or done;

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2. Asking whether what was said or done was likely in the circumstances to render unreliable a confession made in consequence, the test being objective
 3. Asking whether the prosecution have proved beyond reasonable doubt that the particular confession was not obtained in consequence of the thing said or done.
21. While it is now known that Horizon figures cannot be relied upon (at least in respect of the relevant period for Mrs. Adedayo, up to September 2005) for the reasons given in the attached referral SoR, the CCRC considers that for Post Office representatives to put to an SPM in interview apparent losses recorded by Horizon could not in itself amount to 'oppression' for the purposes of s.76(2)(a), nor to something said or done which was likely to render unreliable a confession made in consequence, for the purposes of s.76(2)(b). The CCRC remains of this same view even where the making of the confession and a subsequent guilty plea meant that the losses were not evidenced in court. Instead, the CCRC considers that the circumstances of the confession must be considered in order to determine on the particular facts whether s.76(2)(a) and/or s.76(2)(b) might apply.
22. It was due to her confession that the CCRC originally provisionally refused Mrs. Adedayo's application in a PSoR. The CCRC stated:
 - a. There was no indication that Mrs. Adedayo's confession was false, that she was coerced into coming up with an explanation for the missing money or that the Post Office told her that if she paid back the money they would not prosecute.
 - b. There was no evidence from the time of the original proceedings to support Mrs. Adedayo's claim to have called the helpline on multiple occasions.
 - c. Mrs. Adedayo's original account of events (i.e. that she took the money to repay loans) gave no room for Horizon errors to have occurred.
 - d. A distinction could be drawn between those cases in which the applicant gave a positive account of their own actions in stealing the money – as Mrs. Adedayo did - and those in which the applicant denied taking money and/or raised issues with Horizon at the time of trial but faced with no evidential basis on which to challenge the reliability of Horizon entered a guilty plea.
23. Mrs. Adedayo's solicitors have submitted that the CCRC should take into account the circumstances in which her confession was given. It is their view that the circumstances in which the confession was provided were problematic and that there is nothing to contradict Mrs. Adedayo's assertion that she was encouraged to admit taking the money and offer swift repayment to avoid prosecution, particularly as

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there is no statement from the auditor who witnessed her original 'confession note'. The solicitors also state that Mrs. Adedayo's confession was lacking in key details such as when she had taken the money.

24. Having considered the matter further, it is the view of the CCRC that there is a real possibility the Crown Court would exclude Mrs. Adedayo's confession under s.76(2)(b) of PACE.
25. In Mrs. Adedayo's case, the CCRC has been unable to consider the original confession document since it appears no longer to be available. While there appears to be no doubt that such a document did exist, since it is referenced in the transcript of Mrs. Adedayo's interview and in other documents, the circumstances of its creation are disputed. Mrs. Adedayo states that it was not spontaneously drafted and handed to the auditor, Mr. Valani, as appears to have been suggested in the original proceedings, but rather that he handed it to her to sign. It appears to be correct that a statement was not provided by Mr. Valani and therefore his account of events is not available.
26. It is the view of the CCRC that there is evidence that the prior conversation with the auditor occurred but there is no contemporaneous evidence of what was said in that conversation. The CCRC therefore considers that it could not now be established beyond reasonable doubt that Mrs. Adedayo was not induced to confess by something said by Mr Valani which was likely to render her confession unreliable, namely that if she confessed and repaid the money, she would not be prosecuted.
27. Mrs. Adedayo has provided a reasonable explanation for not having challenged the confession at the time, namely that it was her word against that of the Post Office and there was no real prospect of her account being found to be credible. That situation has now changed in particular as a result of what is now known about the reliability of Horizon during the period in question (that is, for Mrs Adedayo, up until the audit of her branch in September 2005).
28. It is the view of the CCRC that the fact that Mrs. Adedayo's answers in interview were incoherent and vague adds to the credibility of what she is now saying, i.e. that her confession was false and was induced by what Mr Valani said to her.
29. Since the CCRC has found there is a real possibility the Crown Court will find the confession should be excluded under s.76(2)(b) of PACE, it has not been necessary for the CCRC to consider whether or not there was also oppression under s.72(2)(a). Section 78 of PACE has also not been considered for the same reason.
30. While there is now evidence that Mrs. Adedayo made one call to the Helpline in January 2005 about a 'balancing issue', there is no

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evidence that other calls were made as stated by Mrs. Adedayo. This is therefore not a factor relied upon by the CCRC in making this referral.

Guilty Plea

31. In considering the above arguments, the CCRC has not overlooked that Mrs. Adedayo pleaded guilty to the charges against her. The legal principles regarding appeals following guilty pleas are discussed at paragraphs 132-137 of the referral SoR, with the CCRC noting in particular those cases where guilty pleas had been entered without the benefit of adequate disclosure from the prosecution. The CCRC stated at paragraph 137 of that document that it considered it "to be of clear importance that a defendant who is considering his or her plea should have an accurate understanding of the prosecution case against them, and is not misled about the strength of that prosecution case".
32. The subject of guilty pleas was further explored at paragraphs 171-174 and 182 of the referral SoR. At paragraph 182 the CCRC summarised the position as follows:

"The applicants in question were prosecuted and required to decide how to plead in circumstances where they had incomplete and indeed misleading information about the reliability of Horizon. Any legal advice these applicants were given as to plea could only have been based on the situation in regard to Horizon as it was understood to be at the time, and not as it is now understood in the light of the High Court judgments. POL's position throughout all the criminal proceedings was that Horizon was reliable, and so pleas of guilty were entered in the context of that flawed understanding."

Conclusion

33. The CCRC has considered Mrs. Adedayo's case in the light of the above points and has considered whether there is a real possibility:
 - (i) that the Crown Court would set aside her plea of guilty;
 - (ii) that the Crown Court would exclude her confession; and
 - (iii) if the plea of guilty were set aside and the confession excluded, that, if her case were to be re-tried before the Crown Court on appeal, a defence application for the proceedings to be stayed as an abuse of process would be successful.
34. In making its assessment, the CCRC has considered whether the reliability of Horizon data was (and still remains) essential to the prosecution and conviction of Mrs. Adedayo.

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35. According to Mrs. Adedayo's account of events, there were unexplained branch losses and her admissions were encouraged by employees of the Post Office who told her that if she admitted to taking the money and made arrangements to pay it back, she could avoid prosecution. It is therefore the view of the CCRC that unexplained losses were an important part of the context to Mrs. Adedayo's admission that she used Post Office funds to repay borrowed money.
36. In those circumstances, the CCRC is satisfied that the reliability of Horizon data was essential to the prosecution and conviction of Mrs. Adedayo, and that this would remain the situation if she were to be re-tried now. The CCRC therefore considers that, if the case were to be heard as a Crown Court appeal, there would be cogent arguments, based upon the abuse of process analysis set out in the referral SoR and summarised at paragraph 13 above and on the s.76 argument set out at paragraphs 18-27 above, that Mrs. Adedayo's guilty plea should be set aside, her confession should be excluded and that any further proceedings against her should be stayed.
37. For the above reasons, the CCRC considers that there is a real possibility that the Crown Court will set aside Mrs. Adedayo's guilty plea, exclude her confession and will stay any further proceedings against her as an abuse of process. The CCRC accordingly concludes that there is a real possibility that Mrs. Adedayo's appeal against conviction will be successful.

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Decision to Refer

38. The CCRC has decided to refer this conviction under section 11 of the Act and this statement sets out the CCRC's reasons in accordance with section 14(4) of the Act. This decision has been made by a committee consisting of three Commissioners in accordance with paragraph 6 of Schedule 1 to the Act and is signed by one of the committee on behalf of the CCRC.
39. In accordance with section 14(4A) the Act as inserted by section 315 of the Criminal Justice Act 2003, this conviction is being referred on the following grounds:
 - In view of the findings of the High Court in *Alan Bates & Ors v Post Office Ltd (Judgment No 3) "Common Issues"* [2019] EWHC 606 (QB) and *Alan Bates & Ors v Post Office Ltd (Judgment No 6) "Horizon Issues"* [2019] EWHC 3408 (QB), there is a real possibility that the Crown Court will set aside Mrs. Adedayo's plea of guilty and will stay any further proceedings against him as an abuse of process.
40. Although Mrs. Adedayo has not previously appealed against her conviction, the CCRC considers that there are exceptional circumstances which justify making a reference in the absence of a previous appeal, in accordance with section 13(2) of the Act. The exceptional circumstances are that she pleaded guilty in the Magistrates' Court and therefore had no right of appeal against conviction, meaning that a CCRC referral is Mrs. Adedayo's only prospect of a remedy.

Signed:

Date: 13 January 2021

GRO

R Ellis
C Smith
I R Ward

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Annex 1**Papers considered by the CCRC****Materials considered during CCRC review**

In the course of the CCRC's review of the Post Office cases it has considered material from the following sources (note – not all files were available on all cases):

- Court files
- Transcripts of court proceedings
- Prosecution materials
- Defence files
- Court of Appeal judgments and other papers relating to criminal appeals
- Judgments of the High Court in *Alan Bates & Others v Post Office Ltd*
- UKGI materials
- Materials from the Business, Energy and Industrial Strategy Committee
- The application forms of Post Office applicants to the CCRC

Documents provided with this CCRC Statement of Reasons

1. The CCRC has a legal duty to disclose any new material it has obtained during its review which would help the applicant make their best case to the appeal court. The material may be sent to the applicant in its original form, or as an extract or it may be summarised.
2. The following material has been sent to the applicant, the prosecution and the Crown Court with this Statement of Reasons:
 - 1) CCRC's Statement of Reasons for a reference to the Court of Appeal, dated 03/06/2020.
 - 2) Disclosure bundle for CCRC Statement of Reasons for a reference to the Court of Appeal, dated 03/06/2020.

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Annex 2

Summary of the CCRC's powers to refer

The CCRC may refer a **conviction** to the court if:

1. there is a **real** possibility that the conviction would be overturned if it were referred; and
2. this real possibility arises from evidence or argument which was **not put forward at trial or appeal** (or there are exceptional circumstances³); and
3. the applicant has already appealed or applied for leave to appeal against conviction (or there are **exceptional circumstances**⁴

³ "Exceptional circumstances" to allow us to refer a case without something 'new' are extremely rare.

⁴ "Exceptional circumstances" to allow us to refer a case where there has not been an earlier appeal are very rare. There has to be a good reason why there has been no appeal and why there cannot be an appeal now without the CCRC's help.

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Annex 3

Case Specific Documents

1. Record of tape-recorded interview, dated 05/09/2005

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**CRIMINAL APPEAL ACT 1995****STATEMENT OF REASONS FOR A REFERENCE TO THE
COURT OF APPEAL**

CCRC applicants:	See individual CCRC case reference numbers below
Court:	The Court of Appeal Criminal Division FAO Master Beldam Royal Courts of Justice Strand London WC2A 2LL
Other parties to the appeal:	Post Office Limited 20 Finsbury Street London EC2Y 9AQ

In the exercise of its powers under the Criminal Appeal Act 1995 ("the Act") the Criminal Cases Review Commission ("the CCRC") has considered applications for review of the following 35 cases:

00489/2015, 00764/2016, 00363/2015, 01370/2019, 00357/2015, 00358/2015, 00360/2015, 00361/2015, 00366/2015, 00368/2015, 00374/2015, 00395/2015, 00425/2015, 00443/2015, 00573/2015, 01471/2015, 00352/2016, 00660/2017, 00761/2017, 00047/2019, 00865/2019, 01307/2019, 00014/2020, 00015/2020, 00029/2020, 00096/2020, 00198/2020, 00390/2015, 00398/2015, 01406/2015, 01069/2016, 00164/2018, 01323/2019, 01334/2019, and 00013/2020.

The CCRC has decided to refer the convictions in all of these cases to the Court of Appeal. The CCRC's decision is explained in the "Executive Summary" (pages 2-3) and "Analysis and Reasons" (pages 17-79) sections of this Statement of Reasons. The names and conviction details of the individual applicants are listed at Annex 1 to this Statement of Reasons.