

DB - 0049

BRENNAN - 003

LIVERPOOL CROWN COURT

The Law Courts,
Derby Square,
Liverpool.

Ref No: 200305600/B1/1

Wednesday, 3rd September, 2003
Thursday, 4th September, 2003

Before:

HIS HONOUR JUDGE PHIPPS

R E G I N A

-v-

LISA MARGARET BRENNAN

Miss Z. WILLIAMS appeared on behalf of the prosecution.

Mr. A. SIMMS appeared on behalf of the defendant.

Tape transcription on behalf of Harry Counsell & Co.
(Official Court Reporters)

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SUMMING-UP, up to and including VERDICT

Wednesday, 3rd September, 2003

1 JUDGE PHIPPS: Members of the jury, as I told you yesterday,
2 you are the judges of facts in this case. In summing the case
3 up to you I have two tasks, the first is to direct you as
4 to the law which applies in this case and the second task
5 is to remind you of the prominent features of the
6 evidence.
7 So far as the first of those tasks are concerned, the law,
8 the directions I give you as to the law you must accept
9 and you must follow. But the facts, I repeat, that is
10 your province. It has always been your responsibility to
11 judge the evidence and decide the relevant facts of this
12 case and when you come to consider your verdicts you, and
13 you alone, must do that. You will do that having regard
14 to all of the evidence you have heard, the evidence you
15 heard from the witness box, the evidence you have seen in
16 the documents and the formal admissions, which are there
17 in the bundle that you have.
18 You decide whether a witness was honest or truthful or
19 accurate, doing his or her best to help you or not. The
20 defendant has chosen to give evidence and you must judge
21 that evidence by precisely the same fair standards as you
22 judge all the evidence in the case. You will wish, no
23 doubt, to take account of the arguments you have heard in
24 the speeches from counsel but you are not bound to accept
25 them.
26 In the same way, members of the jury, if in the course of
27 my review of the evidence I appear to express any views
28 concerning the facts, or emphasise a particular aspect of
29 the evidence, do not adopt those views unless you agree
30 with them. By the same token, if I fail to mention
31 something which you regard as important, you have regard
32 to it and give it such weight as you think fit. In a
33 sentence, members of the jury, when it comes to the facts
34 of this case you, and you alone, are the judges.
35 This prosecution is brought by the Post Office. They are
36 a body, an authority like other authorities such as
37 Customs and Excise who are empowered by law to bring
38 prosecutions themselves. But the law in respect of this
39 prosecution is the same as in any other prosecution. The
40 prosecution bring the case and it follows that the
41 prosecution must prove it. In this case the prosecution
42 must prove that this defendant is guilty in respect of
43 each of the counts charged against her. The defendant
44 does not have to prove her innocence. What the law refers
45 to as the burden of proof begins and remains throughout
46 with the prosecution.
47 The prosecution succeed in proving a defendant's guilt by
48 making you, the jury, sure of guilt. Nothing less than
49 that will do. If after considering all the evidence in
50 respect of the count which you are considering you are
51 sure that the defendant guilty of that count, then you
52 must return a verdict of guilty. If you are not sure,
53 then your verdict must be not guilty.
54 There are 32 separate counts requiring your separate
55

1 consideration. Each of those counts alleges theft.
2 Theft, members of the jury, is the dishonest appropriation
3 - that is taking - of property belonging to another
4 intending that the true owner should not get it back. So
5 there must first of all be an appropriation, a taking of
6 property, in this case of course money. With the
7 intention of permanently depriving the owner, that is the
8 Post Office, of it, and that taking must be dishonest.
9 Members of the jury, it is not disputed, it is not
10 challenged that the sums referred to in each of these
11 counts has gone missing. Those discrepancies are
12 admitted. The defendant says they were errors on her part
13 because of **GRO** and pressures at work. She
14 says she did not take the money at all. She does not know
15 what happened to it. So those are the questions for you,
16 members of the jury. First of all: are you sure that the
17 defendant took the money? And the associated question:
18 were these discrepancies as a result of her dishonesty or
19 her incompetence? It is not for the defendant to satisfy
20 you that she was incompetent, it is for the prosecution to
21 satisfy you so that you are sure that she was dishonest.
22 So to convict this defendant on all or any of these counts
23 you must be sure that she acted dishonestly.
24 She is a lady of good character. She has no criminal
25 convictions. She had a career with the Post Office in its
26 various incarnations which lasted for many years. Of
27 course, members of the jury, the fact that she is a woman
28 of good character cannot by itself provide a defence to
29 these charges, but it is evidence which you should take
30 into account in her favour in the following ways.
31 First of all, she gave evidence and it supports her
32 credibility. It means that it is a factor which you
33 should take into account when deciding whether you believe
34 what she has told you. Secondly, members of the jury, it
35 may also mean that she is less likely than might otherwise
36 be the case to commit these offences with which she is
37 charged. As I have said to you, these are matters which
38 you should have regard in the defendant's favour. It is
39 for you to decide what weight you should give to them in
40 this case.
41 Members of the jury, Miss Brennan worked as a Post Office
42 counter clerk, doing the various tasks that a Post Office
43 counter clerk does from selling postage stamps to issuing
44 vehicle excise licences. She had worked for the Post
45 Office, or whatever it has been from time to time called,
46 for 18 years, including her time at sub post offices, and
47 she had been at Huyton for seven years or so. The branch
48 manager at Huyton, Mrs. Rosenthal, described her as an
49 exceptionally good counter clerk, efficient, accurate and
50 very helpful.
51 Of particular relevance to the matters which you are
52 considering here of course was one of her tasks, and that
53 was dealing with pensions and allowances. There are 14

1 different categories, members of the jury, you will
2 remember, each with its own reference number for
3 accounting purposes. Child benefit, for example, you were
4 told is number 5 in that categorisation.
5 The procedures are computerised, as of course these days
6 you would expect. The particular system used in the Post
7 Office is called Horizon. Again, the procedure for
8 cashing these benefits, these allowances, is, you may
9 think, as you might expect. The prosecution say the
10 procedure is, first of all, the book. You have examples
11 of the book. The book is presented. The procedure is
12 that it should be checked to see that the benefit in
13 question is payable at that particular office. The bar
14 code on the front here is scanned which puts all the
15 information about the book on to the operator's computer
16 screen. The date of the docket - these are the dockets
17 here of course - is checked to see that it can be properly
18 cashed, that is on the due date.
19 Members of the jury, pausing there for a moment, the
20 defendant told you in cross-examination that the details
21 in the book were not checked in reality, you just checked
22 on the computer screen to see whether to pay or not to
23 pay. That is what the defendant said. The procedure is
24 as described by Mrs. Rosenthal.
25 The docket and the counterfoil, they are date stamped and
26 they are date stamped of course with the counter clerk's
27 own individual stamp. In the defendant's case that date
28 stamp is B, you can see it, you have seen it on the
29 exhibits.
30 Then the number of dockets being cashed is entered on to
31 the computer, one or two, whatever. Then the computer
32 asks the operator how much the docket is or dockets are
33 for and that amount is keyed in by the operator. That is
34 the crucial task, is it not, the keying in of the amount
35 to be paid over the counter. That amount having been put
36 into the computer, the computer will then instruct the
37 operator as to the amount to be paid, and the customer is
38 paid in cash. That is how the system should operate.
39 Each counter clerk has her or his own stock with its own
40 reference number and at the end of each day the computer
41 prints out a daily summary of the work carried out by that
42 clerk, and it is the clerk's duty to check his or her own
43 cash, stock and vouchers, dockets, and see that they
44 balance at the end of the day. The accounting week runs
45 from Thursday morning to Wednesday evening and each
46 Wednesday evening there is an office accounting. In
47 respect of pensions and allowances' payments the clerks
48 will wrap the computer summary around all of the vouchers
49 that have been used that week, paid out that week, in a
50 bundle and at the end of the week all of those bundles
51 will be placed with the office summary, all of the office
52 transactions, and put in a sealed plastic pouch and sent
53 off to Northern Ireland, the Paid Order Unit at

1 Lisserhally(?)
2 Lisserhally deals with pensions and allowances payments
3 records for the whole of the U.K., and so, members of the
4 jury, checks are made on a random basis, spot checks,
5 periodically. As a result of one such check at
6 Lisserhally Mr. Bradshaw, an investigation manager from
7 whom you heard, was called in to investigate at Huyton
8 Post Office. He referred to p. 19 in the bundle, so we
9 will have a look at that together, members of the jury. I
10 am sorry, we must first look at p. 18 in the bundle.
11 This is the printout, the Horizon printout relating to 6th
12 June, the day that Mr. Bradshaw went into the office to
13 make his enquiries. As a matter of fact, members of the
14 jury, this summary report relates to the last count on the
15 indictment, count 32, because of course it was at the end
16 of the period that you are concerned when Mr. Bradshaw was
17 making his enquiries.
18 We will just have a look at that together. You will see,
19 members of the jury, at the top the time, 15:06, six
20 minutes past three in the afternoon when the printout was
21 made. The 6th June. "CAP 11" is cash account period and
22 "11" of course is week 11. At the extreme top right-hand
23 corner "BB SUBB" "SU" is stock unit and "BB" that is the
24 stock unit referable to this defendant, Miss Brennan.
25 Then there is a list of that day's child benefit. There
26 is the number 5, of course that is the reference number
27 for child benefit. Reading it down, the price, volume,
28 value. Three at £15.75, two at £36.85, two at £38.65, two
29 at £63, one of £105.20 and one at £226.30. Eleven
30 vouchers to a total value of £655.75.
31 Before we look at those vouchers just look at the bottom
32 of that exhibit and you will see the date stamp with the
33 letter "B" on it under "Huyton, Liverpool". That, of
34 course, is this defendant's date stamp.
35 Now, members of the jury, over the page, pp. 19 and 20.
36 There are the eleven vouchers that are detailed on the
37 printout. There is no voucher at all in the sum of
38 £226.30, but what there is is a voucher for £26.30. Of
39 course you will remember Mr. Bradshaw pointed that out to
40 you as being to the right-hand of those two middle
41 vouchers on p. 19, it looks signed "S. Beaumont", it is
42 that one. Do you see it, members of the jury, p. 19,
43 £26.30. What the prosecution say is that was typed in not
44 as £26.30 but £226.30. So we have count 32 alleging the
45 theft of £200.
46 Now turn over to p. 21. This is part of the transaction
47 summary showing the transactions carried out that day in
48 detail. Members of the jury, you will see that on each of
49 these transactions appears the code number "LBR001", that
50 of course is the defendant's code number. The relevant
51 transaction here is the fourth one down, child benefit
52 £226.30. You will remember Mr. Bradshaw told you that
53 this was part of three transactions but for the same

1 customer. The customer reference appears next to "LBR001"
2 as "7/947602". So the two immediately before and
3 immediately after the relevant one is the same customer,
4 1841 and 9879. The total of the three amounts paid out to
5 that customer was £343.50, on the face of it, which was
6 £200 than the vouchers were for.

7 That was on the day that Mr. Bradshaw attended the office.

8 Investigations were made as to other discrepancies and
9 the results are then put by Mr. Bradshaw in these
10 schedules in your bundle. So let us go through them.
11 First of all schedule at p. 11. This is simply the list
12 of Horizon users, members of the jury. We have already
13 dealt with this. You will see that eight up from the
14 bottom "LBR001 Clerk", that is Miss Brennan.

15 Then at pp. 12 and 13, the next two pages, this is a list
16 of each of the weeks in the period which we are reviewing,
17 that is 19th December 2001 to 12th June 2002, giving the
18 week number, the date stamp used, the stock unit issued
19 and any absences from work or closures of the office. You
20 will see that that year Good Friday was on 29th March,
21 Easter Monday on 1st April. You can see that from the
22 "office closed" column. There was a Bank Holiday, if you
23 look at the next page, on 6th May.

24 Absences from work, this would have been Miss Brennan's
25 absences. You will see she was absent from Monday the
26 11th to Wednesday 13th February and then again the 14th to
27 16th February, and then again in April, the 15th to 20th
28 April. Then the 13th to 18th May. Those were her
29 absences from work apart from Bank Holidays during that
30 period.

31 Then, members of the jury, the schedule which appears at
32 pp. 14, 15 and 16. This really is the heart of the
33 prosecution's allegations here because it lists the
34 discrepancies in respect of each count of the indictment.

35 The one that we have just been looking at of course is
36 right at the very end on p. 16. Just so we can check it
37 again, the very last there, cash account week 11, date of
38 computer printout 6th June 2002, voucher group number 5,
39 cash amount £226.30, amount of voucher due for payment
40 £26.30, amount of overclaim £200, date stamp indicator B,
41 stock unit 88. Then indictment number, that is the count
42 in the indictment number of course, count 32. That is the
43 one we have looked at in detail and you were told about in
44 detail by Mr. Bradshaw and that is where it appears on the
45 schedule.

46 That is the schedule of each of these discrepancies
47 relating you to each of the counts of the indictment,
48 starting at week 40, 20th December 2001 an overclaim of
49 £100 on a voucher group number 7. We do not know what
50 that is but 5 we do know is child benefit, the next one
51 27th December an overpayment of £50 because instead of
52 £36.20 being entered £86.20 was entered, and that is count
53 2. Members of the jury, that is schedule of

1 discrepancies.
2 Then on p. 17 this schedules shows the discrepancies
3 compared with the declared balance. You will see that in
4 that, for example in the first week 27th December 2001,
5 although there is £150 discrepancy in declared pensions
6 submissions, Miss Brennan's balance at the end of that
7 week was just at £1.21 under. So, as Mrs. Rosenthal said,
8 it was an extraordinarily good balance at the end of that
9 week despite the fact of the £150 payment out which should
10 not have been paid out. Over the whole office you will
11 see the declared balance for the office £105.29 surplus,
12 that is all of the 10 clerks who were working in the
13 office at the time. You will see from that schedule that
14 this defendant's balance at the end of the week generally
15 balanced pretty well.
16 The total over claimed in this period, as
17 Mr. Bradshaw told you, was £3,482.40 and Mr. Bradshaw said if
18 these were genuine mistakes then that difference would be
19 reflected in the end of the week balances, that is as
20 shown on p. 17 of the bundle. In fact, the total over the
21 period, balance, for Miss Brennan was a shortfall of just
22 £291.30, that is during the period when this £3,500,
23 nearly, went out that should not have gone out.
24 Mr. Bradshaw then referred to another particular
25 transaction, and it appears at p. 22, members of the jury,
26 in your bundle. This document relates to count 12 in the
27 indictment. You will see there it is the same as the
28 other one we were looking at, the printout for 6th June,
29 except this printout is 31st January 2002. Dealing with
30 child benefits you will see a total of 18 vouchers had
31 gone into the computer to an amount of little over £800, I
32 think it is £809.70, or perhaps £803 or £808 perhaps but
33 it does not really matter very much, just over £800.
34 There are 18 vouchers you will see under the "volume"
35 column, that is 18 vouchers have gone through, but there
36 was no voucher at all, said Mr. Bradshaw, for £125.25,
37 which is the penultimate voucher in that list. Do you see
38 it? £125.25, no voucher for that said Mr. Bradshaw. The
39 nearest he could find was the voucher in the bottom right-
40 hand corner for £25.85. That was one voucher from the old
41 book and one voucher from the new book.
42 What should happen in that situation is that the operator
43 would key in that there were two vouchers and it would be
44 added up by the computer. But here it was put in, he
45 said, as two separate transactions. That relates to count
46 12, as I have said, members of the jury.
47 Those were the documents that Mr. Bradshaw referred you to
48 dealing with each of these accounts. Mr. Bradshaw said
49 that he checked with the branch manager and it was Postal
50 Headquarters at Chesterfield, the Accounts Department,
51 whether there were any other error notices in respect of
52 Miss Brennan. He said that there was no trace of any
53 error notices in respect of any other field of work, apart

1 from pensions and allowances.
2 Before leaving that, he told Mr. Simms in cross-
3 examination that the check on the other work, that is non-
4 pensions and allowances work, by Miss Brennan was carried
5 out either by the branch manager or at Chesterfield and
6 Mr. Bradshaw himself had not checked any other person's
7 work personally.
8 The defendant was interviewed. You have the transcript of
9 the interview, it has been read to you. You can read it
10 at your leisure when you go to your room. There is no
11 point my reading it all over to you again now. What Miss
12 Brennan said when she was interviewed is, you may think,
13 pretty much what she told you when she gave evidence,
14 members of the jury.
15 Mr. Bradshaw told Mr. Simms that Miss Brennan was asked if
16 she had any financial problems and she said she had not.
17 Mr. Bradshaw said he had no reason to think that she did,
18 if that is what she said he was prepared to accept it.
19 There was no indication that she was living the life of
20 luxury, as Mr. Simms had put to him.
21 Mr. Simms also put in via Mr. Bradshaw the other exhibit
22 which I have marked exhibit 7 which goes in two sections,
23 p. 17 it starts and then p. 41 again. This was the form
24 205A which had been prepared at Northern Ireland and it
25 was from this document that Mr. Bradshaw had extracted the
26 information to go on to his schedules. So it is a fuller
27 document, members of the jury, and it is there for you to
28 look at and consider as you wish.
29 Miss Rosenthal had told Mr. Simms that she did not know
30 that Miss Brennan was GRO
31 prior to Miss Brennan's suspension, although she became
32 aware of it then. She agreed with Mr. Simms that there
33 had been an occasion when she had used the counter stocks
34 at Huyton without logging on with her own identity, this
35 is Miss Rosenthal. It happened a year ago she said. She
36 told Mr. Simms that when she had worked at Old Swan prior
37 to Huyton that was an accepted practice at Old Swan, even
38 though it was an incorrect practice it was a practice that
39 was carried on at Old Swan and she assumed that it would
40 be acceptable in Huyton, but it was not.
41 There was also an occasion when she agreed with Mr. Simms
42 that Bedelia's, another counter clerk, work had to be
43 checked and an error in the sum of £63 was found. Miss
44 Rosenthal agreed that she decided to leave it rather than
45 correct it and make the balance even worse. She agreed
46 that that was a bad decision and that she received a
47 formal warning from Jan Mullen for taking that decision.
48 The defendant was to tell you that it was she who had
49 checked Bedelia's figures on that occasion. That was not
50 Miss Rosenthal's recollection, but other than that I think
51 it is right to say that the evidence was agreed on both
52 sides as to that aspect of it.
53 Miss Rosenthal agreed that Linda Buchanan worked at Huyton

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1 but she did not recollect an occasion when her mistakes
2 were being attributed to the defendant, although certainly
3 it appears to be the case that that did happen.
4 Miss Rosenthal told Miss Williams that she had found other
5 discrepancies in Bedelia's work, some weeks nothing at
6 all, other weeks she would have a bad balance. She
7 described Bedelia as having a huge crisis of confidence
8 and so she was prepared to accept it from Bedelia on that
9 basis it seems. She did not suspect any dishonesty on
10 Bedelia's behalf but she was making errors in all her
11 work, so it was incompetence rather than dishonesty
12 thought Miss Rosenthal.

13 Lisa Brennan told you, as I have reminded you, she is a
14 lady of good character with a career at the Post Office.
15 Her daughter is now seven. She was earning £200 a week or
16 so at the Post Office, more with overtime. There had been
17 no complaints at all about her work, no disciplinary
18 action at all prior to this. But she has told you that at
19 the end of 2001 she was [GRO]
20 [GRO] She [GRO]
21 [GRO] So far as work was concerned she
22 said that she was having to perform quickly and
23 efficiently. "Fast" she said, "that's what it was at
24 Huyton." Huyton she described as "a nightmare" because it
25 was so busy and not such a nice place to work, and it was
26 hard work, although she told Mr. Bradshaw in interview
27 that she loved her job, but you will remember her
28 explanation for that.

29 "Certain people, including me", she told you, "had to
30 additional duties to see that the work got done", although
31 she said she thought she was managing all right and did
32 not say anything to anybody, "I just got on and did it."
33 [GRO] she said, [GRO]
34 "I had a job and a daughter.
35 My daughter was my main priority, my husband was not help
36 at all. [GRO]
37 [GRO] and [GRO]
38 [GRO]
39 [GRO]

40 Her bag and coat when she was working as a counter clerk
41 was kept in the room that Miss Rosenthal had referred to
42 behind the counter. Miss Brennan told you she was a [GRO]
43 [GRO] at the time. She could not even get her hands in her
44 pockets of her skirt, she said, "and anyway there would be
45 somebody sitting either side of you at the counter."
46 The day before she had the disciplinary interview with
47 Mrs. Mullen in July last year there was a letter she
48 received giving details of all the mistakes she had made
49 and she noticed that some mistakes against her name were
50 in fact not hers but the other "LB's", Linda Buchanan. A
51 discrepancy of £63, as I reminded you, she said she was
52 sure she had checked Bedelia's work because she remembered
53 finding it and Miss Rosenthal saying: "Just stick it at

1 the bottom of the pile and ignore it."

2 In late 2001 she was [REDACTED] GRO

3 [REDACTED]
4 **GRO**
5 [REDACTED]

6 **GRO** She produced her bundle of bank statements and so
7 on to you, members of the jury, which you can have a look
8 at when you retire, always in credit over this period.
9 She produced a mini statement when she was interviewed by
10 Mr. Bradshaw. She has told you this: "I wish I could say
11 how the discrepancies arose. I couldn't believe it when I
12 heard about these matters." She denied stealing any
13 money. She agreed with Miss Williams that she knew the
14 job inside out; that when she first started with the Post
15 Office she did not use computers, they had not been
16 brought in then, so everything was done manually and the
17 additions were done in her head. She told Miss Williams:

18 "I must have been crap at the time, I was going through
19 an awful time. I shouldn't have been at work" but she
20 told you that you are not allowed to take time off work.
21 You are entitled to [REDACTED] **GRO**

22 but she [REDACTED] **GRO**

23 **GRO** She had not complained to
24 her Line Manager. She said the work had to be done: "You
25 just do the job and get on with it."
26 But she accepted that the discrepancies that the
27 prosecution complain of were there. There were the
28 discrepancies. She makes no argument about that. She
29 said to Miss Williams: "Well, if it was someone else I
30 would say it was impossible for £3,500 worth of
31 discrepancies to be built up over this period, and indeed
32 when I first heard about it I couldn't believe it either."
33 I am going to ask you to retire, members of the jury, to
34 consider your verdicts, but before you do I have some
35 instructions for you. The first is this, the verdicts
36 that I ask you to return are verdicts in respect of which
37 each of the 12 of you be agreed, unanimous verdicts,
38 please.

39 You will I am sure know that in certain circumstances a
40 court can accept a verdict which is not the verdict of the
41 whole jury. The circumstances in which this court could
42 accept such verdicts have not arisen and may never arise.

43 If they were to arise then I would send for you and give
44 you another direction. But until I send for you,
45 unanimity, please, is required, that is verdicts upon
46 which each one of the 12 of you be agreed.

47 When you come back into court one of you is going to have
48 to speak on behalf of you all to announce what your
49 verdicts are and to answer the simple questions put to you
50 by a clerk of the court, who I hope will be here for that
51 purpose then. Can I please ask you to select, elect, or
52 somehow pick one of your number to discharge that duty on
53 behalf of you all. It may be that such person could also

1 chair your discussions, but how you carry on your
2 discussions if, of course, entirely a matter for you. So
3 can I ask you, please, to pick a foreman or forewoman to
4 discharge that function for you.
5 All of the exhibits are in the file. You have the
6 additional documents that were put before you by Mr. Simms
7 whilst he was cross-examining Mr. Bradshaw. I see you
8 have the sample books, and that is, I think, it. Once the
9 jury bailiff has been sworn I will ask you to retire.
10 (Jury bailiff, sworn)
11 JUDGE SWIFT: Mr. Simms, the jury also have, of course, the
12 bundle that your client put in.
13 Mr. SIMMS: The financial documents, yes.
14 JUDGE SWIFT: The financial documents.
15 (The jury retired to consider their verdicts at 12.50 p.m.)
16 (Later)
17 (In the absence of the jury)
18 JUDGE SWIFT: It is coming up to half past four, I propose to
19 send the jury home and they can carry on tomorrow morning. It
20 seems to me the appropriate course to take would be for
21 the clerk to ask if they have reached verdicts on any of
22 the 32 counts. If they have then we can take those
23 verdicts, if not then they carry on tomorrow. Do you
24 agree, Mr. Simms.
25 Mr. SIMMS: I do, yes.
26 (The jury returned to court at 4.26 p.m.)
27 THE CLERK: Will the foreman please stand. Mr. Foreman, will
28 you please answer my first question either "yes" or "no",
29 has the jury reached a verdict upon which you are all
30 agreed in relation to any of the 32 counts on this
31 indictment?
32 THE FOREMAN: No.
33 JUDGE SWIFT: Members of the jury, it is half past four. You
34 have been deliberating for some time now and I am not going to
35 require you to deliberate any further this afternoon, I am
36 going to let you go home and you can continue your
37 deliberations tomorrow morning.
38 It has always been important, and it is most particularly
39 important now, that after you have left court you should
40 not discuss this case with anyone else or allow anyone
41 else to discuss it with you. It is the essence of the
42 jury system, you should reach your verdicts when you are
43 together in your jury room and that your verdicts should
44 be based only on the evidence and arguments which you have
45 heard in court.
46 So once you have left court this evening you should not
47 seek any further evidence or information about the case.
48 You should not discuss the case amongst yourselves or
49 attempt to contact one another to discuss the case. When
50 you return tomorrow morning you should go straight to your
51 jury room but do not discuss the case until I have asked
52 you to come back into court, sworn in the jury bailiff in
53 your presence and asked you to retire to your room to

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1 continue your deliberations. Half past ten tomorrow
2 morning.
3 (The court adjourned)
4

Thursday, 4th September, 2003

1 The logger's note for the morning (between 10.38 and 10.42)
2 reads as follows: "Tape-recorder not working."
3 (In the absence of the jury)
4 "Judge receives a question from the jury and reads it out to
5 counsel. The jury want to know if they have to give 32
6 separate verdicts or one verdict for all 32 charges."
7 (In the presence of the jury)
8 "Judge answers jury's question. They have to give 32 separate
9 verdicts."
10 (The jury further retire to consider their
11 verdicts at 10.42 a.m.)
12 (The jury returned with verdicts at 2.35 p.m.)
13
14
15 THE CLERK: Mr. Foreman, will you please answer my first
16 question either "yes" or "no". Have the jury reached a
17 verdict upon which they are all agreed in relation to any
18 of the 32 counts of theft on this indictment?
19
20 THE FOREMAN: Yes.
21
22 THE CLERK: On count 1 have you reached a verdict upon which
23 you are all agreed?
24
25 THE FOREMAN: Can I refer to this?
26
27 THE CLERK: Of course.
28
29 THE FOREMAN: Yes.
30
31 THE CLERK: On count 1 do you find the defendant guilty or not
32 guilty?
33
34 THE FOREMAN: Guilty.
35
36 THE CLERK: Guilty. On count 2 have you reached all reached a
37 verdict upon which you are all agreed?
38
39 THE FOREMAN: Yes.
40
41 THE CLERK: Again, do you find the defendant guilty or not
42 guilty?
43
44 THE FOREMAN: Guilty.
45
46 THE CLERK: Guilty. On count 3 have you reached a verdict
47 upon which you are all agreed?
48
49 THE FOREMAN: No.
50
51 THE CLERK: On count 4 have you reached a verdict upon which
52 you are all agreed?
53

1 THE FOREMAN: Yes.
2
3 THE CLERK: On count 4 do you find the defendant guilty or not
4 guilty?
5
6 THE FOREMAN: Guilty.
7
8 THE CLERK: Guilty. On count 5 have you reached a verdict
9 upon which you are all agreed?
10
11 THE FOREMAN: Yes.
12
13 THE CLERK: Do you find the defendant guilty or not guilty?
14
15 THE FOREMAN: Guilty.
16
17 THE CLERK: Guilty. On count 6 have you reached a verdict
18 upon which you are all agreed?
19
20 THE FOREMAN: Yes.
21
22 THE CLERK: Do you find the defendant guilty or not guilty?
23
24 THE FOREMAN: Not guilty.
25
26 THE CLERK: Not guilty. On count 7 have you reached a verdict
27 upon which you are all agreed?
28
29 THE FOREMAN: Yes.
30
31 THE CLERK: On count 7 do you find the defendant guilty or not
32 guilty?
33
34 THE FOREMAN: Guilty.
35
36 THE CLERK: Guilty. On count 8 have you reached a verdict
37 upon which you are all agreed?
38
39 THE FOREMAN: Yes.
40
41 THE CLERK: On count 8 do you find the defendant guilty or not
42 guilty?
43
44 THE FOREMAN: Guilty.
45
46 THE CLERK: Guilty. On count 9 have you reached a verdict
47 upon which you are all agreed?
48
49 THE FOREMAN: Yes.
50
51 THE CLERK: On count 9 do you find the defendant guilty or not
52 guilty?
53

1 THE FOREMAN: Guilty.
2
3 THE CLERK: Guilty. On count 10 have you reached a verdict
4 upon which you are all agreed?
5
6 THE FOREMAN: Yes.
7
8 THE CLERK: On count 10 do you find the defendant guilty or
9 not guilty?
10
11 THE FOREMAN: Guilty.
12
13 THE CLERK: Guilty. On count 11 have you reached a verdict
14 upon which you are all agreed?
15
16 THE FOREMAN: Yes.
17
18 THE CLERK: On count 11 do you find the defendant guilty or
19 not guilty?
20
21 THE FOREMAN: Guilty.
22
23 THE CLERK: Guilty. On count 12 have you reached a verdict
24 upon which you are all agreed?
25
26 THE FOREMAN: No.
27
28 THE CLERK: On count 13 have you reached a verdict upon which
29 you are all agreed?
30
31 THE FOREMAN: Yes.
32
33 THE CLERK: On count 13 do you find the defendant guilty or
34 not guilty?
35
36 THE FOREMAN: Guilty.
37
38 THE CLERK: Guilty. On count 14 have you reached a verdict
39 upon which you are all agreed?
40
41 THE FOREMAN: Yes.
42
43 THE CLERK: On count 14 do you find the defendant guilty or
44 not guilty?
45
46 THE FOREMAN: Not guilty.
47
48 THE CLERK: Not guilty. On count 15 have you reached a
49 verdict upon which you are all agreed?
50
51 THE FOREMAN: Yes.
52
53 THE CLERK: On count 15 do you find the defendant guilty or

1 not guilty?
2
3 THE FOREMAN: Not guilty.
4
5 THE CLERK: Not guilty. On count 16 have you reached a
6 verdict upon which you are all agreed?
7
8 THE FOREMAN: No.
9
10 THE CLERK: On count 17 have you reached a verdict upon which
11 you are all agreed?
12
13 THE FOREMAN: Yes.
14
15 THE CLERK: On count 17 do you find the defendant guilty or
16 not guilty?
17
18 THE FOREMAN: Guilty.
19
20 THE CLERK: Guilty. On count 18 have you reached a verdict
21 upon which you are all agreed?
22
23 THE FOREMAN: Yes.
24
25 THE CLERK: On count 18 do you find the defendant guilty or
26 not guilty?
27
28 THE FOREMAN: Guilty.
29
30 THE CLERK: Guilty. On count 19 have you reached a verdict
31 upon which you are all agreed?
32
33 THE FOREMAN: Yes.
34
35 THE CLERK: On count 19 do you find the defendant guilty or
36 not guilty?
37
38 THE FOREMAN: Guilty.
39
40 THE CLERK: Guilty. On count 20 have you reached a verdict
41 upon which you are all agreed?
42
43 THE FOREMAN: Yes.
44
45 THE CLERK: On count 20 do you find the defendant guilty or
46 not guilty?
47
48 THE FOREMAN: Guilty.
49
50 THE CLERK: Guilty. On count 21 have you reached a verdict
51 upon which you are all agreed?
52
53 THE FOREMAN: Yes.

1
2 THE CLERK: On count 21 do you find the defendant guilty or
3 not guilty?
4
5 THE FOREMAN: Guilty.
6
7 THE CLERK: Guilty. On count 22 have you reached a verdict
8 upon which you are all agreed?
9
10 THE FOREMAN: Yes.
11
12 THE CLERK: On count 22 do you find the defendant guilty or
13 not guilty?
14
15 THE FOREMAN: Guilty.
16
17 THE CLERK: Guilty. On count 23 have you reached a verdict
18 upon which you are all agreed?
19
20 THE FOREMAN: Yes.
21
22 THE CLERK: On count 23 do you find the defendant guilty or
23 not guilty?
24
25 THE FOREMAN: Guilty.
26
27 THE CLERK: Guilty. On count 24 have you reached a verdict
28 upon which you are all agreed?
29
30 THE FOREMAN: Yes.
31
32 THE CLERK: On count 24 do you find the defendant guilty or
33 not guilty?
34
35 THE FOREMAN: Guilty.
36
37 THE CLERK: Guilty. On count 25 have you reached a verdict
38 upon which you are all agreed?
39
40 THE FOREMAN: Yes.
41
42 THE CLERK: On count 25 do you find the defendant guilty or
43 not guilty?
44
45 THE FOREMAN: Guilty.
46
47 THE CLERK: Guilty. On count 26 have you reached a verdict
48 upon which you are all agreed?
49
50 THE FOREMAN: Yes.
51
52 THE CLERK: On count 26 do you find the defendant guilty or
53 not guilty?

1
2 THE FOREMAN: Not guilty.
3
4 THE CLERK: Not guilty. On count 27 have you reached a
5 verdict upon which you are all agreed?
6
7 THE FOREMAN: Yes.
8
9 THE CLERK: On count 27 do you find the defendant guilty or
10 not guilty?
11
12 THE FOREMAN: Guilty.
13
14 THE CLERK: Guilty. On count 28 have you reached a verdict
15 upon which you are all agreed?
16
17 THE FOREMAN: Yes.
18
19 THE CLERK: On count 28 do you find the defendant guilty or
20 not guilty?
21
22 THE FOREMAN: Guilty.
23
24 THE CLERK: Guilty. On count 29 have you reached a verdict
25 upon which you are all agreed?
26
27 THE FOREMAN: Yes.
28
29 THE CLERK: On count 29 do you find the defendant guilty or
30 not guilty?
31
32 THE FOREMAN: Guilty.
33
34 THE CLERK: Guilty. On count 30 have you reached a verdict
35 upon which you are all agreed:
36
37 THE FOREMAN: Yes.
38
39 THE CLERK: On count 30 do you find the defendant guilty or
40 not guilty?
41
42 THE FOREMAN: Guilty.
43
44 THE CLERK: Guilty. On count 31 have you reached a verdict
45 upon which you are all agreed?
46
47 THE FOREMAN: Yes.
48
49 THE CLERK: On count 31 do you find the defendant guilty or
50 not guilty?
51
52 THE FOREMAN: Guilty.
53

1 THE CLERK: Guilty. On count 32 have you reached a verdict
2 upon which you are all agreed?
3
4 THE FOREMAN: Yes.
5
6 THE CLERK: On count 32 do you find the defendant guilty or
7 not guilty?
8
9 THE FOREMAN: Guilty.
10
11 THE CLERK: Guilty. Thank you.
12
13 JUDGE SWIFT: Thank you very much indeed. Miss Williams, the
14 jury have failed to reach verdicts on three counts.
15 Miss WILLIAMS: Yes, number 3, 12 and 16.
16 JUDGE SWIFT: Do you want them to continue to consider those
17 counts?
18 Miss WILLIAMS: At this stage, your Honour, yes, I think that
19 would probably be appropriate.
20 JUDGE SWIFT: Members of the jury, thank you very much. That
21 leaves counts 3, 12 and 16. I ask you to retire again to
22 continue to reach unanimous verdicts if you can. If you
23 are unable to do so in respect of those three counts then
24 I can now accept verdicts from you upon which at least 10
25 of you be agreed. Try to be unanimous, if you cannot then
26 I can accept verdicts in respect of which at least 10 of
27 you be agreed in respect of those three remaining counts,
28 counts 3, 12 and 16.
29 (The jury further retired at 2.40 p.m.)
30 (The jury returned with further verdicts
31 at 3.14 p.m.)
32 THE CLERK: Your Honour, six hours and three minutes have
33 elapsed since the jury first retired to consider their
34 verdict. Mr. Foreman, will you please answer my next
35 question either "yes" or "no". Have at least 10 of you
36 agreed upon your verdicts relating to counts 3, 12 and 16
37 remaining on this indictment?
38
39 THE FOREMAN: Yes.
40
41 THE CLERK: Again, will you please answer only "guilty" or
42 "not guilty" to my next question. Do you find the
43 defendant on count 3 guilty or not guilty?
44
45 THE FOREMAN: Guilty.
46
47 THE CLERK: Is that the verdict of you all or by a majority?
48
49 THE FOREMAN: Majority.
50
51 THE CLERK: How many of you agreed and how many dissented?
52

1 THE FOREMAN: Eleven, one.
2
3 THE CLERK: That is the verdict of eleven to one of you.
4 Again, will you please answer only "guilty" or "not
5 guilty" to my next question. On count 12 do you find the
6 defendant guilty or not guilty?
7
8 THE FOREMAN: Guilty.
9
10 THE CLERK: Is that the verdict of you all or by a majority?
11
12 THE FOREMAN: Majority.
13
14 THE CLERK: How many of you agreed and how many dissented?
15
16 THE FOREMAN: Eleven, one.
17
18 THE CLERK: That is the verdict of eleven to one of you?
19
20 THE FOREMAN: Yes.
21
22 THE CLERK: Again, will you please answer only "guilty" or
23 "not guilty" to my next question. On count 16 do you find
24 the defendant guilty or not guilty?
25
26 THE FOREMAN: Not guilty.
27
28 THE CLERK: Not guilty. Thank you.
29
30
31
32
