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Coomber Rich

Access to Justice

30th November 2009

For the attention of Phil Taylor
Legal Executive
Criminal Law Division

FAX GRO

Dear Phil

R – v – Seema Misra
Guildford Crown Court

Please find attached Further Request for Disclosure.

Yours sincerely

GRO

PP Issy Hogg
Coomber Rich

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In the Guildford Crown Court

R

V

Seema Misra

Further Request for Disclosure

Contract

- 1) Please provide a copy of our client's signed Post Office Contract for Services. The initial response to this request was that it was already provided at pages 11 and 12 of the exhibit bundle. Page 11 is a signed acknowledgement and page 12 is page 47 of the contract. Please provide a full copy of the contract signed by our client.
- 2) In a response dated 30 December 2008 to an FOI request, the Post Office indicated that, between July 1999 and December 2008, 244 sub-postmasters had their contracts terminated under s1, Paragraph 10 of their Contract for Services.
 - a) Please confirm the same information for 2009
 - b) Please indicate how many of those sub-postmasters had losses recorded on the Horizon system.

Training

- 1) Please provide a copy of the training manual supplied to the Defendant.
- 2) Please provide the date when the manual was supplied and, if supplied in parts, the dates on which each part was supplied.
- 3) Please provide copy records of all training provided to the Defendant.
- 4) Please provide details of the qualifications of the trainer and their ability to train sub-postmasters on the Horizon system.
- 5) During the second week of the Defendant's tenure as sub-postmistress at West Byfleet the trainer was present during the weekly reconciliation. He called the

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helpline to request explanation as to a loss as, in his opinion, the Defendant had at all times followed procedure. No explanation was given and the Defendant made good the loss. Please provide the following information:-

- a) The name and contact details of that trainer (to assist in identification the defendant recalls his name was Michael and he was black).
 - b) What enquiries were made, bearing in mind the request came from a trainer, as to the cause of this loss.
- 6) In light of the above, the statement by Fujitsu that the calls to the helpline were of a routine nature is not accepted. Please provide a copy of the log of all calls made to the helpline by West Byfleet Post Office for a period from 6 months prior to the Defendant becoming sub-post until the present day.
 - 7) Has the Post Office provided any training in the identification of lost EPOSS transactions and, if so, please provide details of when such training was provided to the Defendant.

Investigation

- 8) During investigation the Defendant was given the clear impression that she was the only sub post office suffering with difficulties. Please confirm how many sub post offices have undergone some form of investigation, since the introduction of the Horizon system, arising from alleged losses on the system.
- 9) During the Defence visit to the sub Post Office at West Byfleet, the investigating officer, John Longman, made it clear that it was Post Office policy that investigating officers should never consider systems problems as relevant to their enquiry. Please provide details of the reasoning behind this policy.
- 10) John Longman accepted that there was no Post Office requirement that he should understand the operation of the Horizon system in order to properly conduct his investigations. Please provide details of the training given to investigators to enable them to properly conduct an investigation. Given his lack of understanding of the system what back up teams does the Post Office have to ensure all reasonable explanations are considered before a criminal investigation is commenced.

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Horizon System

- 11) In the Defence Expert's interim report reference was made to the need to have sight of service logs for West Byfleet. Comment has been made as to the huge cost involved in pursuing this exercise. Please provide details as to the work involved in this action and why the cost is so high. Depending on the answer provided to this request and others contained in this document, a decision will then be taken by the defence as to whether this action needs to be pursued.
- 12) Please provide details of any business testing carried out by the Post Office on the Horizon system before it went live.
- 13) Please provide a certified audit trail in relation to the Defendant's Horizon accounts.
- 14) Please confirm the following:-
- a) When, and why, the hardware in the system at West Byfleet Post Office has been changed.
 - b) When new hardware was installed at West Byfleet was it brand new or reconditioned (i.e. existing hardware that has been wiped prior to installation).
 - c) If it is the latter please confirm the identity of the Post Office from which the reconditioned hardware came and why the hardware had been removed from that Post Office.
- 15) Please find attached a statement from Eleanor Nixon. In light of the content please provide the following information:-
- a) in relation to the sub post office in Highcliffe, Dorset:-
 - i) Full disclosure of the issues raised by her.
 - ii) The nature of the apparent losses.
 - iii) Full disclosure of the steps taken by the Post Office to rectify those losses on the system thereby removing the deficit.
 - iv) The findings of the Post Office as to the cause of the Horizon system to show these losses.
 - v) The identity and contact details of the woman who contacted her with a view to resolving the problem.
 - b) The identity of other post offices that were found to be having problems as a result of her enquiries.
 - c) Whether those Post Offices also had deficits rectified.
 - d) What steps, if any, were taken by the Post Office to upgrade the Horizon system nationally to take into account their findings.
- 16) The Defence Expert's second interim report makes reference to the visit to an unnamed post office. Please confirm that no action will be taken against the post

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master in respect of our visit in order that we can identify this post office and request full disclosure in relation to that post office.

- 17) In light of the Post Office's stated intention to commence rolling out the new computerised accounting system from January 2010, please confirm what steps are being taken to preserve the end to end architecture of the Horizon system in general and, in particular, to West Byfleet Post Office.
- 18) The Prosecution has always maintained that there is no problem with the Horizon system. Further it has given the impression that the Defendant's defence of raising issue with the system has no merit. To counter that stance, the Defence raise the following cases by way of example. Others are in the pipeline.
- a) On 9th December 2009 the trial of R v Macdonald, a post office prosecution for theft and false accounting, is due to commence at Preston Crown Court. In that case the Defence have served an interim expert's report from a Forensic Accountant raising potential issues, similar to this Defence Expert's IT report, with the Horizon System. Please provide full disclosure of this case including prosecution summary, defence case statement and expert's report.
 - b) On 14th December 2009 the trial of R v Hosi, a post office prosecution for theft and false accounting, is due to commence at Snaresbrook Crown Court. In that case the Defence have served an interim expert's report from a Forensic Accountant, similar to this Defence Expert's IT report, raising potential issues with the Horizon System. Please provide full disclosure of this case including prosecution summary, defence case statement and expert's report.
- 19) In light of the information supplied to the Prosecution in paragraphs 15, 16 and 17 above please now provide details of:-
- a) All post offices, past and present, that have experienced losses with the Horizon system.
 - b) All prosecutions, past and present that have been brought for theft and/or false accounting as a result of alleged losses on the Horizon system.

When considering the request raised in this paragraph, we have taken into careful consideration that prosecutions by the Post Office are dealt with by one office as opposed to the CPS which has numerous offices around the country.

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