
From: Matthews, Gavin [GRO]
Sent: Wed 17/07/2013 3:08:38 PM (UTC)
To: Susan Crichton [GRO]
Cc: Richardson, Simon [GRO]
Subject: RE: PRIVATE - For discussion [BD-4A.FID20472253]

Susan

Thought I would give you my preliminary views on this pending our call:

1. POL needs to look at the response to the CRCC in the context of the **overall** strategic advice received from CK (including their advice re GJ/FJ)
2. If POL suffers losses directly referable to GJ's failure to comply with his obligations as an expert witness, there are 3 potential entities against whom POL may have an action – GJ, FJ and CK
3. I am not sure who contracted with GJ/FJ to provide expert evidence in criminal cases – POL directly or CK. It could be either but I would expect CK to have engaged GJ as expert on behalf of POL – That needs to be checked.
4. Given that CK are potentially liable to POL for any failure on the part of GJ/FJ, I do think it would be sensible to get a criminal QC to oversee the strategic advice being given by CK – I'm not saying that CK have definitely done anything wrong but they may have done and are trying to blame GJ/FJ so it is very important to check that their tactical approach is now overseen by someone completely unbiased.

Do call when you get the chance.

Kind regards

Gavin

Gavin Matthews

Partner

for and on behalf of Bond Dickinson LLP

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From: Susan Crichton [mailto:[GRO]]
Sent: 17 July 2013 14:22
To: Matthews, Gavin
Subject: Re: PRIVATE - For discussion

Thanks

From: Matthews, Gavin [mailto:] GRO
Sent: Wednesday, July 17, 2013 01:11 PM
To: Susan Crichton
Cc: Richardson, Simon GRO
Subject: Re: PRIVATE - For discussion

Susan
Had just popped out for sandwich. Back in 20 mins and will call you then
Gavin

From: Susan Crichton [mailto:] GRO
Sent: Wednesday, July 17, 2013 01:54 PM
To: Matthews, Gavin
Cc: Richardson, Simon
Subject: RE: PRIVATE - For discussion

Gavin - I have just tried to call you but vm intervened! so my ques was going to be do we need to look at the response to the CRCC in the context of the advice we have just received from CK re GJ/FJ that I have just sent to you - I have some ques re that advice as well .. does the buck stop with GJ and FJ or not and is there any chance of making a claim if we have costs directly referable to the failure to comply with obligations as an expert witness. Should we get a criminal QC to overlook the work being done by CK?

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POST
OFFICE

From: Matthews, Gavin [mailto:] GRO
Sent: 16 July 2013 18:24
To: Susan Crichton
Cc: Richardson, Simon
Subject: PRIVATE - For discussion

Susan

I've just had a brief conversation with Simon before he disappeared into the tube so have caught up about Second Sight.

Separately I received calls after sending the message below from both Rodric (from Portugal) and Hugh (from Ireland)

I won't recount the full details but Rodric suggested initially that instead of a criminal barrister POL may use DAC Beachcroft. I said that was of course up to POL but I thought one more firm being involved in this matter might get complicated and the advantage of a barrister was that they would be completely independent and have no pre conceived ideas. Rodric thought that was sensible.

Hugh subsequently called me to say that he had spoken to DAC Beachcroft (Mary Lawrence) having spoken to you but that I should continue to consider criminal silks who POL may want to use to oversee what Cartwright King are doing.

I am just a bit concerned that there may be too many law firms involved looking at things through different lenses. Of

course it is up to you whom POL instructs but you may just want to reflect on this overnight.

I have copied in Simon for when he emerges from the underground system!

Happy to discuss at any time

Kind regards

Gavin

Gavin Matthews

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From: Matthews, Gavin

Sent: 16 July 2013 15:48

To: 'Susan Crichton'; Parsons, Andrew

Cc: Richardson, Simon; Hugh Flemington; Rodric Williams; Jarnail A Singh

Subject: RE: For discussion [BD-4A.FID20472253]

Susan

I know that you are with Simon and Andy today so I have taken an initial look at this for you. I agree with you that I would expect the advice to me more prescriptive ie you **need** to say this in response.

I do also have concerns from a civil point of view over a couple of statements in the draft response. In particular where it states;

"He has done so both to POL and, in expert witness statements and oral evidence, to the court. In particular he has: attested to the presence of defect detection and rectification systems; the robustness of the prosecution audit trail; and stated that, in his expert opinion, Horizon accurately records and processes all information submitted into the system. The Second Sight Interim report demonstrates that this was not the case."

I consider this to be unhelpful given that the SS report found there to be no systemic problems with Horizon.

It shows the need for all POL letters (criminal and civil) to contain a consistent message - so that the right hand and the left hand know what they are each doing.

I am not a criminal lawyer but I would query whether the CCRC have the power to review a case where the SPM

entered a plea of guilty in the magistrates' court.

I would be happy to suggest some criminal barristers to take a look at this for you

Perhaps you could discuss this with Simon and Andy today if you get the chance.

Kind regards

Gavin

Gavin Matthews

Partner

for and on behalf of Bond Dickinson LLP

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From: Susan Crichton [mailto:**GRO**]
Sent: 16 July 2013 13:58
To: Parsons, Andrew
Cc: Richardson, Simon; Matthews, Gavin; Hugh Flemington; Rodric Williams; Jarnail A Singh
Subject: For discussion

Andy - we received a letter from the CRCC yesterday which I have asked Cartwright King to review..their advice feels odd to me as if given on a take it or leave it basis and I am not comfortable that's particularly useful in this context.

Could we discuss, I am happy to go to another firm that specialises in Criminal law or a barrister, somehow it feels as if there is a conflict here which I am not sure I understand.

Thanks

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