

Message

From: Martin Edwards [/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MARTIN EDWARDS1F838E9D3-CC99-4040-B432-33552E99ED2DDD]
Sent: 02/07/2013 23:28:02
To: Mark R Davies [GRO]
Subject: FW: PV and AP brief

Better language from Susan and Hugh – think this is as firm as we’re going to get

From: Susan Crichton
Sent: 03 July 2013 00:25
To: Martin Edwards
Cc: Hugh Flemington
Subject: RE: PV and AP brief

Martin

How about this – cannot use the word report as we haven’t seen it yet.

“ Nothing has emerged from the interim findings given to us by SS which would point to specific convictions being unsafe. Cases have been through the judicial process and the Court considers all relevant evidence not just that relating to the Horizon computer system. “

Martin – re action against sub postmasters

Since the start of the SS investigation POL has not obtained a criminal conviction which relies solely on horizon computer system evidence; POL has also put on hold civil recovery proceedings in certain cases whilst we await the final report from SS.

From: Martin Edwards
Sent: 02 July 2013 23:42
To: Susan Crichton
Cc: Hugh Flemington
Subject: RE: PV and AP brief

Mark just raised a similar point (with slightly different suggestion on language):

Do they need an if pressed line on miscarriages of justice? "Nothing has emerged in this report to suggest wrongful conviction. Cases have been through the judicial process and we have never relied entirely on Horizon in any court case"

From: Martin Edwards
Sent: 02 July 2013 23:27
To: Susan Crichton
Cc: Hugh Flemington
Subject: RE: PV and AP brief

Thanks both.

On the point about current investigations/prosecutions, that’s a significant weakening of the reassuring line we discussed earlier. Can we add something along the lines of “since start of investigation we have not pursued action against spmrs where it is apparent that Horizon system may be involved”?

And on the past convictions, if pushed can we say that we're not aware of any cases where we believe an appeal would now result in a different judgment (but clearly we need to take these on a case by case basis)? Difficult not to say something like this...

From: Susan Crichton
Sent: 02 July 2013 23:19
To: Martin Edwards
Cc: Hugh Flemington
Subject: RE: PV and AP brief

Martin – Following your conversation with Hugh he and I have discussed and think that this is the best wording we can use (see below). The bottom line is that this dialogue and resulting potential publicity - could increase the risk of appeals being made against previous convictions, we have no reason to believe that those appeals would be automatically successful we would have to deal with each case on a case by case basis. There would be significant cost implications.

It is interesting that neither of us can think of one.

Susan

From: Martin Edwards
Sent: 02 July 2013 21:38
To: Susan Crichton; Paula Vennells; Hugh Flemington; Mark R Davies
Cc: Alwen Lyons; Simon Baker
Subject: RE: PV and AP brief

Many thanks Susan and Alwen. I'll make a few drafting changes and recirculate.

On the prosecutions section of the brief there is a half-finished sentence (see below) – what were you planning to say?! Was this going to cover the issue around previous convictions? If not, what is our best possible defence against the suggestion that this process had called into question the validity of previous prosecutions? Think we definitely need a line on this.

On the first bullet below, presumably we should add a sentence to state that where it is clear that the Horizon system isn't the issue at stake, we have a duty to protect public money by pursuing appropriate action (and this why some prosecutions are still happening)? Presumably there is some kind of reasonableness test here – i.e. a spmr can't just get off scot free by saying it's an Horizon issue, irrespective of the circumstances?

- **Prosecutions**

- Where cases have been referred to SS via JFSA these are subject to the terms of the immunity agreement, which allows non MP generated cases to be put before the JFSA and/or SS.
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- For criminal prosecutions we treat each matter on a case by case basis, with an investigation and legal review (generally involving external lawyers). We have a duty to protect public money and take appropriate action to safeguard such public money.
 - In the event that any person considers that there has been a miscarriage of justice they have the right to apply to the Court of Appeal to have their conviction reviewed.
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• **m:** Susan Crichton
Sent: 02 July 2013 20:34
To: Martin Edwards; Paula Vennells; Hugh Fleming; Mark R Davies
Cc: Susan Crichton; Alwen Lyons; Simon Baker
Subject: PV and AP brief

Martin/Mark

Susan and I have pulled this together with help, so it is now over to you, to work your magic and send on the final document to Paula, Alice and me tonight.

Hugh would you please check any comments please come back to Susan.

Mark would you also please check

Martin is holding the pen please send back to him

Also include in AP and PV and my pack any other docs you think we need

Thanks
Alwen & Susan

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