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IN THE CROWN COURT AT PORTSMOUTH

B E T W E E N:

POST OFFICE LIMITED

-V-

LYNETTE HUTCHINGS

ATTENDANCE NOTE

Date: 30th July 2012
Coram: HHJ Pearson
Contra: Miss Lucia Whittle-Martin
For: PCMH
Offence(s): Fraud (and later false accounting contrary s.17 Theft Act 1968)
Result: Guilty plea entered to false accounting; NG to fraud. Pleas acceptable. Adjourned pending PSR. ROUCB.
Next hearing: 24th August 2012 for sentence.

1. I was instructed to appear on behalf of POL at the above hearing today.
2. At court I spoke with Miss Whittle-Martin, defence counsel for Ms Hutchings. Miss Whittle-Martin indicated that if the indictment was amended to false accounting, then Ms Hutchings would be willing to plead guilty. Her concern seemed to be that she wished to advance in mitigation that she had not made false representations in order to obtain any pecuniary benefit beyond "putting off the evil day of having to sort out the muddle" (*R v Eden*). Following consultation with those instructing, I drafted a new indictment in the terms of section 17 of the Theft Act 1968.

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3. In court the new indictment was signed. Ms. Hutchings was arraigned. She entered a not guilty plea to count 1 and a guilty plea to count 2. I indicated that the pleas were acceptable, and that the Crown would decide whether to let the count lie on file, or to offer no evidence, at the sentencing hearing.
4. A basis of plea was put forward by the defendant. A copy is on the brief and it reflects the mitigation noted at paragraph 2. The judge asked whether the basis could be agreed; I submitted that it could not, but nor could the Crown go behind it; it could not be said with any certainty what was done with the money, whether it was stolen or mismanaged, but what was clear was that POL was down more than £10k. The judge indicated a Newton hearing would not be necessary in the circumstances.
5. The matter was adjourned until 24th August 2012 for sentence. Miss Hutchings was remanded on unconditional bail pending the preparation of an all options PSR.
6. Those instructing me may wish to consider the following:
 - i. Confiscation under POCA 2002 – if so, the questionnaire will need to be served and a timetable prepared;
 - ii. Whether no evidence is to be offered on count 1 or it is to lie on file;
7. Many thanks for your instruction in this case. Please do not hesitate to contact me in the future regarding this or any other matter.

Travel expenses: £34.40

William Martin
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30th July 2012