



Richard Cole
<richard.cole@GRO>
<GRO>

16/06/2009 08:52

To: "rob.g.wilson@GRO"; "jarnail.a.singh@GRO"
cc: Anthony Vines@GRO
Subject: R v Julian Lewis - Worcester Crown

Dear Rob/Jarnail,

I covered the PCMH in relation to the above case in Worcester yesterday on Anthony's behalf, as I was already there for Juliet Having been approached by the Defence, I spoke to Rob (as I had earlier been told he was the only lawyer in) to see what sort of deal could be done, particularly bearing in mind the recovery of losses under POCA As Rob knows, I was without an investigation officer or finance investigator.

I was against a nice chap from Bradford (Peter Hampson), who seems to be carving himself a niche practice in representing Postmaster Federation members I have now been against him 3 or 4 times. He is not an awkward chap but can identify the continuity gaps in Horizon cases - see AV's advice in this case!

The Defendant faced counts of false accounting over a 3 year period and then fraud over the last 2 years. The allegation over the 5 year period was the same.

In this case, the Defendant was convinced that there was a systematic problem with Horizon as was raised in interview. In interview, the loss (£27,800 odd) had been split - pre May 2007 £12k, post May 2007 £15k. The Defendant was willing to plead to counts 4 and 5 (ie 2007 and 2008) but to £15k of loss. I said no to that. Rob then gave me authority to agree to the same if necessary. Eventually the Defendant pleaded to counts 4 and 5 but reflecting the full loss of £27,800 odd. A basis was entered and agreed but was essentially mitigation The case was adjourned off to 3 August for sentence to enable the Def to sell the Post Office and repay the monies (thus avoiding POCA).

I agreed that if POCA proceeded it would be limited to the loss plus interest(which also helped lead to the plea). I said that if the loss was repaid before sentence interest was unlikely to be added.

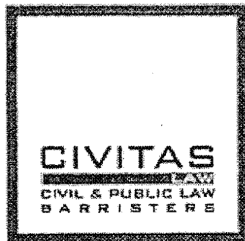
I did not mention POCA in open court, given that the judge had refused to deal with it in my earlier Royal Mail case where the Postmaster was in the process of repaying the amount The judge considered that compensation was a more suitable order

As mentioned above, Horizon was questioned by the PM in this case I suspect that consideration should be given to looking at the issue generally and a suitable employee from the organisation preparing a statement (for use in cases) that says that Horizon works perfectly well.

I think I would like to take up Jarnail's offer of some training in Horizon

Any queries let me know.

Richard



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CELTIC GATEWAY
CARDIFF BAY CF11 0SN
DX. 50750 CARDIFF 2
T. 0845 0713 007
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