

WITNESS STATEMENT
IN SUPPORT OF AN APPLICATION FOR A RESTRAINT ORDER
(SECTION 41 PROCEEDS OF CRIME ACT 2002)

This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything, which I know to be false, or do not believe to be true.

Dated: 19th September 2008

Signature: **Gerald Harbinson**

IN THE CROWN COURT AT CROYDON

22nd September 2008

Susan Jane RUDKIN

WITNESS STATEMENT

1. I am Gerald Harbinson an Accredited Financial Investigator currently employed by Post Office Ltd, Royal Mail Group PLC, at PO BOX 1, Croydon, CR9 1WN.
2. The Director of the National Policing Improvement Agency (NPIA) accredits me with the Powers under Part 2 and Part 8 of the Proceeds of Crime Act 2002. I can say as follows:
3. I am duly authorised to make this witness statement on behalf of the solicitor to Royal Mail Group Ltd, who will prosecute in this case and I make this witness statement in support of an application for a restraint order pursuant to section 41 of the Proceeds of Crime Act 2002.
4. I am also authorised by Dave Pardoe, senior authorizing officer, Royal Mail Group PLC under section 68 of the Proceeds of Crime Act 2002 to make this application.
5. I have the conduct of a financial investigation into the financial affairs of Susan Jane RUDKIN, hereinafter called the defendant.

Gerald Harbinson

Signed

Date: 19th Sept 2008

SUMMARY OF INVESTIGATION

6. On Wednesday the 20th August 2008, a criminal investigation was started in England and Wales into offences of theft and false accounting. In connection with the investigation, I have been informed by Mike Wilcox, the officer in charge of the criminal investigation, and believe that: -
- a) The defendant was an assistant working at Ibstock Sub Post Office, 118-120 High Street, Ibstock, LE67 6LJ. The incumbent Subpostmaster was the defendant's Husband, Ernest Michael Rudkin who had been in post since the 26th October 2000.
 - b) An audit of the office accounts on the 20th August 2008 revealed a shortage in the office accounts of £43,856.89. As a result of the audit shortage, Mr Rudkin was precautionary suspended from his position as Subpostmaster.
 - c) On the 20th August 2008, Post Office Investigators interviewed the defendant under caution.
 - d) During that interview the defendant stated that the office had been experiencing losses in the Post Office accounts from approximately January 2006 and that she had been inflating the cash on hand figure in the accounts to cover the shortages.
 - e) She further stated during interview that she had taken cash from the Post Office to cover payment of general bills, which had been paid into a joint bank account held with her husband. The defendant stated that she alone was responsible and that no one else had any knowledge of the theft.
 - f) Mike Wilcox is still carrying out further investigations.
7. I believe that there is reasonable cause to believe that the defendant has benefited from her particular criminal conduct to at least £43,856.89.

REALISABLE PROPERTY

8. I have made preliminary enquires into the financial affairs of the defendant and it is to my knowledge that:-
- a) The defendant is a 53 year-old female residing at GRO She lives there with her husband Ernest Michael Rudkin and two sons. The Post Office is attached to the private residence.

Signed

Gerald Harbinson

Date...19th Sept 2008

- b) The registered title number of the **GRO** property is **GRO** and is in the joint names of the defendant and her husband. The property was purchased for £150,000.00 in January 2001. The value of the property is now believed to be in the region of £321,119 (Nationwide House Price calculator) and £490,000.00 (estimate by defendant) with an outstanding mortgage in the region of £250,000.00.
- c) Enquiries have revealed that the defendant has access to the following bank account:
- i. Lloyds TSB joint account with her husband, account number **GRO** sort code **GRO** which showed a negative balance of £252.08 as of the 1st August 2008.
- d) Intelligence shows that the defendant has known credit card debts and a personal loan, which currently total just over £27,000.00.
- e) Intelligence shows that the defendant husband (Ernest Michael Rudkin) has known credit card debts which currently total just over £10,000.00.

EXTENT OF BENEFIT

9. I believe that the defendant has a criminal lifestyle through having committed a criminal lifestyle offence. This is because:
- I believe that the defendant has committed an offence(s) over a period of at least six months and has benefited from this offence in total of not less than £5,000.
10. The enquiry is at an early stage and the extent of benefit is not yet known.
11. It is, therefore, my opinion that this is a case in which the court may apply the assumptions under section 10 of the Proceeds of Crime Act 2002 when assessing the extent of the benefit from criminal conduct.
12. In so far as I am aware, no civil proceedings have been commenced on behalf of any person that might be said to have sustained loss arising out of the commission of the alleged offence(s).
13. I believe that if a restraint order is not made there is a real risk that these assets will be dissipated. This is because of the serious nature of the alleged offences and the amount of public money involved. Ernest Michael Rudkin has expressed to the investigator (Mike Wilcox) his intention to raise funds against the

Signed.....

Gerald Harbinson

3

Date...19th Sept 2008

equity in the property known as **GRO** It has been established that the defendant has credit card debts and a personal loan which total over £27,000.00 and in consequence I cannot be assured that any equity in the property will be held to service any future confiscation order.

ORDERS SOUGHT

Restraint Order

14. I therefore seek a Restraint Order against Susan Jane RUDKIN in respect of the following properties which, to the best of my ability, I am able to particularise as follows: -

a) The property at **GRO** registered title number **GRO**

I believe that the facts stated in this witness statement are true.

Gerald Harbinson

Name of Witness – Gerald Harbinson

Date: 19th September 2008

Gerald Harbinson

Signed:

Date: 19th Sept 2008