

**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:

Signature:

**IN THE CROWN COURT
2006
SITTING AT CROYDON**

7th November

**HUGIE NOEL THOMAS
(Defendant)**

WITNESS STATEMENT

- 1) I, Michael Francis Matthews an Accredited Financial Investigator currently employed by Post Office Ltd, Royal Mail Group plc, at PO Box 1 Croydon CR9 1WN. The Director of the Assets Recovery Agency accredits me with the powers under Part 2 and Part 8 of the Proceeds of Crime Act 2002. I say as follows:-

- 2) I am duly authorised to make this witness statement on behalf of the Solicitor to Royal Mail Group plc, Criminal Law Team who will prosecute in this case and I make this witness statement in support of an application

Signed.....

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Date.....

for a restraint order pursuant to section 41 of the Proceeds of Crime Act 2002

- 3) I am also authorised by Tony Utting, Senior Manager, Royal Mail Group plc under section 68 of the Proceeds of Crime Act 2002 to make this application.
- 4) I have the conduct of a financial investigation into the financial affairs of Hughie Noel Thomas hereinafter called the defendant.

SUMMARY OF THE PROSECUTION

- 5) Proceedings for an offence have been started in England or Wales. The Criminal Law Team of Royal Mail Group plc are conducting them. On the 29th September 2006 at Caernarfon Crown Court the defendant pleaded guilty to one count of false accounting. The particulars of the count were that Hughie Noel Thomas between the 30th day of September 2004 and the 14th day of October 2005 dishonestly with a view to gain for himself or with intent to cause loss to another falsified records made or required for an accounting purpose namely the Post Office "Horizon" records, Cash account Final.
- 6) The circumstances leading to the prosecution are that the defendant was the subpostmaster at Gaerwen Post Office Branch®, **GRO**
GRO
GRO On 13th October 2005 a Post Office Ltd. Audit Team conducted an audit at the Post Office® Branch which

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Date.....

revealed a shortage in the account amounting to £48,454.87.

Investigators of Post Office Ltd in accordance with the Police and Criminal Evidence Act subsequently interviewed the defendant under caution.

During which the defendant in the main answered the incriminating questions with "no comment".

- 7) On the 6th November 2006 the defendant appeared at Caernarfon Crown Court and was sentenced to 9 months imprisonment. The proceedings have not yet concluded and a timetable for the confiscation process has been set.
- 8) In view of the matters set out above I believe that there is reasonable grounds for believing that the defendant has benefited from his criminal conduct

REALISABLE PROPERTY

- 9) I have made preliminary enquires into the financial affairs of Hughie Noel Thomas and it is to my knowledge that:-
 - a) Hughie Noel Thomas is a 59-year-old male currently residing with his wife GRO and his adult son and daughter at the GRO
 - b) Hughie Noel Thomas is currently imprisoned at HMP Liverpool (Walton)

Signed.....

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Date.....

- c) Hughie Noel Thomas jointly owns with GRO the property known as the Post Office GRO GRO Title Number WA964277. I have been informed that the mortgage on the property amounts to £95,000.
- d) Mr and Mrs Thomas became the proprietors of the property on the 4th May 2000. The value stated then was £90,000. The Nationwide Building Society House Price Calculator details that a property located in Wales, which was valued at £90000 in Quarter 2 of 2000, would be worth approximately £216, 617 in Quarter 3 of 2006.

EXTENT OF BENEFIT

- 10) In view of the matters set out above I believe that there are grounds to suspect that Hughie Noel Thomas has benefited from his Particular Criminal Conduct Criminal Conduct in a sum amounting to at least £76, 974.33, (This figure at this stage does not take into account the increase in the Retail Price Index). This figure is worked out as follows:
- a) The defendant has pleaded guilty to the offence of false accounting. The benefit to the defendant as a result of the fraud is £48,454.57. (Mr Thomas was contractually obliged to make good this loss without delay)
- b) The defendant received "Net" remuneration from Post Office Ltd of £28, 519.76 for the period between 1 October 2004 and the 13th

Signed.....

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Date.....

October 2005 to provide Post Office services. This is the period for which the defendant admitted false accounting. (Post Office Ltd would not have paid this figure if they had known the defendant was producing false accounts, as his contract to provide services would have been terminated.

- 11) As 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.
- 12) I believe that if a restraint order is not made there is a real risk that the assets will be dissipated. This is because during the Defence mitigation in this case, Barrister Mr Wyn Lloyd Jones mentioned that Mr Thomas has already cashed in an insurance policy to pay off business and personal loans. In addition Mr Thomas is selling the residential property that includes the Post Office to his children. It is said the sale is near completion and the agreed price for the sale is £100,000. Once the mortgage and the costs are added together the defendant is due to receive a balance of £78.
- 13) The prosecutor is of the view that the property is being sold at a much-reduced value in an attempt to prevent the full value being realised in the satisfaction of any future confiscation order, and at the same time keep the asset in the family.

ORDER SOUGHT

Signed.....

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Date.....

Restraint Order

14) I therefore ask for a Restraint Order against Hughie Noel Thomas in respect of the following property which, to the best of my ability, I am able to particularise as follows:-

a) The property known as GRO
GRO

b) All other realisable property owned by Hughie Noel Thomas or to which he is authorised.

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

(Signature)

Name of Witness

Date

Signed.....

Date.....