

**From:** Nick Vamos [GRO]  
**Sent:** Tue 28/01/2020 6:08:03 PM (UTC)  
**To:** Ben Beabey [GRO]  
**Cc:** Rodric Williams [GRO]; Eamon McCarthy-Keen [GRO]; Charlotte Tregunna [GRO]  
**Subject:** RE: Legal privilege/confidential - POL criminal matters - Cabragh and Howard Street [PP-DOCS.FID119697]

Ben/Rod

Please see amendments to the version below in light of the information about when Disclosure Notices were sent out.

Thanks

Nick

**Nick Vamos**  
**Partner**

For and on behalf of Peters & Peters Solicitors LLP

15 Fetter Lane, London EC4A 1BW | Tel: [GRO] | Fax: [GRO] | DDI: [GRO]  
[GRO] | Mob: [GRO]

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**From:** Nick Vamos  
**Sent:** 27 January 2020 22:33  
**To:** 'Ben Beabey' <[GRO]>  
**Cc:** 'Rodric Williams' <[GRO]> Eamon McCarthy-Keen [GRO]; Charlotte Tregunna <[GRO]>  
**Subject:** RE: Legal privilege/confidential - POL criminal matters - Cabragh and Howard Street

Dear Ben

I've now had a chance to look through the various documents and threads you sent through at the end of last week. Eamon is going through the CoH spreadsheet so we have a better understanding of what's coming down the line, common/emerging themes and where there are information gaps. We will be able to provide some high-level advice on what POL's approach should be to those cases, and identify where case-specific advice is needed, later in the week. However, I anticipate that we will need to have detailed discussions with the Security Team to clarify the information on the spreadsheet before we will be able to give definitive advice on any given case.

That said, I recognise the need for urgent advice in **Newtown Road** (R v Rogers), which was sentenced on 7 January 2020, and **Great Bookham** (R v Karimi) which is due for sentence on 7 February 2020. You have also asked for interim advice on how to obtain more information on **Cabragh** (defendant's name unknown), due for trial on 25 March 2020 and **Howard Street** (defendant's name unknown), both Northern Ireland cases in which Simon Hutchinson of POL Security team is giving evidence.

#### 1. Newtown Road (R v Rogers)

According to the CoH spreadsheet, email threads and news report I have seen, Victoria Rogers pleaded guilty at Newcastle Crown Court on 7 January 2019. It's not clear precisely what offences she pleaded to, but the facts demonstrate that she admitted creating fictitious transaction reversals on 78 occasions between July and October 2017 worth over £10,000 and pocketed the cash surplus. Her motivation was to feed a cocaine habit. She openly

accepted responsibility and guilt for her conduct. There is no suggestion, on the limited information I have, that she ever challenged the accuracy of the evidence derived from Horizon that, I am assuming, formed part of the prosecution case.

Helen Dickinson has confirmed that POL Security did not send the Horizon issues December 'Disclosure Notice' directly to the police or CPS, because by that time Rogers had already pleaded guilty. However, the December letter was sent to all CPS Areas as a mailshot. I am aware that similar 'Disclosure Notices' were sent out in September and October 2019 containing updates on the status of the GLO.

Even if POL had not sent out any Disclosure Notices, it is almost impossible to see how the Horizon issues judgment could have made any difference to the outcome of these criminal proceedings. Rogers freely accepted her guilt and, through her barrister, explained her motivation for the crime. Therefore, implicitly, she accepted the accuracy of the Horizon data.

However, it appears that POL Security notified each CPS Area of the potential impact of the GLO in writing in ~~September, October and December 2019. It would be helpful to see the actual emails (assuming it was by email) that went to each CPS Area but, a~~ Assuming the letters were sent to the correct CPS addresses, there is nothing more that POL reasonably could have been expected to do in this case. As per my previous advice, POL does not owe any disclosure duties to the defendant. It is for the CPS to identify potentially disclosable material in the possession of 3<sup>rd</sup> parties and, by sending the Disclosure Notices, POL put CPS on notice of the issues.

## 2. Great Bookham (R v Karimi)

According to the CoH spreadsheet and email threads, counter clerk Dawood Karimi was reported by a colleague for using his own debit card to withdraw money. He was arrested, interviewed and made full admissions, apparently to multiple acts of dishonesty. However, according to the CoH, in interview he disputed about "£6K worth of transactions / shortages. He claims this amount is due to the operator." It is not clear what is meant by "the operator" in this context, nor precisely how he committed the offences. The most recent update from POL Security is that Karimi was eventually charged with fraud and money laundering amounting to £87,500 and pleaded guilty at the first hearing at the Magistrates' Court. He was committed for sentence to the Crown Court (probably Kingston, given the location of Great Bookham). The CoH states that the Disclosure Letter was sent in October 2019. The column headed "Mediation Case" states that "legal letter sent 19/12/19", which I understand refers to the December mailshot. ~~is the date of the December Disclosure Letter, although I am not clear whether this refers to that letter or another one. It would be helpful to have that clarified.~~

Karimi has pleaded guilty after making full admissions. Therefore, as with Rogers, it is impossible to see how the Horizon issues judgment could have made any difference to his acceptance of guilt. However, as he appears to be contesting some of the evidence from Horizon, albeit on unclear grounds, it would be prudent for POL Security to check whether he intends to also challenge that evidence at his sentencing, or whether the CPS have accepted the lower figure. A defendant can submit a 'basis of plea' for sentencing which specifies the factual basis upon which he accepts his guilty. The prosecution do not have to accept the basis of plea, but often they will if it makes no real difference to the judge's sentencing options. Where the dispute concerns the value of a theft or fraud, the most obvious impact is on the amount of compensation and/or confiscation that the court can order. If the basis of plea is not accepted and the dispute does make a difference to the judge's option, the court will usually hold a 'Newton Hearing', which is a mini trial of the disputed facts. In this case, it is possible that a Newton Hearing might involve the examination of some disputed Horizon data. Therefore, I suggest that POL Security (Joel Watson?) contact the police/CPS as soon as possible as follows (happy for the draft to be tinkered with provided the substance is unchanged):

*I understand that Mr Karimi is due to be sentenced on 7 February 2020. I appears that in his interview he disputed about £6,000 of transactions. Could you please confirm whether the final figure for the purpose of sentencing has now been agreed between the CPS and defence? If not, could you please clarify the nature of the dispute, for*

*example is he suggesting that the record of transactions attributed to him is simply incorrect, or that someone else was responsible for those transactions? Finally, is it proposed to have a Newton Hearing at the sentencing in order to resolve the dispute? The reason I ask is that, if there is a defence challenge to the accuracy of evidence from the Post Office Horizon computer system, the issues flagged in the attached letter [re-send the December letter] may need to be considered by the CPS as a matter of urgency. In that event, please let me know as soon as possible because Post Office has instructed specialist criminal solicitors to deal with any such issues and they will need to discuss it with the CPS.*

In my view there could be no criticism of Post Office, even if it did nothing at this point, given that it sent a Disclosure Notice in October 2019~~(and probably December)~~ directly to the police/CPS in this case, as well as the general mailshot to all CPS Areas in December 2019. However, given that Post Office is aware that there might be a dispute involving Horizon data, the prudent approach is to send the email above in order to clarify the position.

### **Cabragh and Howard Street – obtaining more information**

Simon Hutchinson should, as a minimum, have copies of his own statements. I would also expect him to have correspondence with the PSNI which might contain information about the underlying facts, reports of hearings etc. Provided that Simon is giving evidence as a POL employee, on behalf of POL, then there is no difficulty with you asking him to provide you with what he has. For example, if he was a POL employee who happened to be an eye witness to certain disputed key events, then it might be inappropriate to discuss that evidence with him in advance. However, if his evidence concerns POL's business records, policies, practices etc then there is no problem. Even in the former scenario, you could ask to see his statement but then not discuss it with him once you saw what it was about. Also, as per my previous email, your purpose in requesting the information would be to ensure the accuracy of his evidence and the fairness of proceedings, which could not be criticised.

Therefore, I suggest that you contact him in an entirely straightforward manner and ask to see copies of his statements and any other correspondence he has had with PSNI (police) or PPSNI (prosecutors) about the cases. You should explain that POL is reviewing the impact of the Horizon Issues judgment on cases it is currently assisting other prosecutors with (as well as cases it prosecuted itself in the past), to ensure the accuracy of evidence and fairness of any proceedings.

I hope the advice above is clear and sets out the immediate actions required. As mentioned above, we will advise further on the general approach POL should take to ongoing police/CPS cases and we will be liaising with the Security team to obtain further information, where needed.

Kind regards

Nick

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**From:** Nick Vamos

**Sent:** 24 January 2020 10:15

**To:** Ben Beabey <[REDACTED]>

**Cc:** Rodric Williams <[REDACTED]>

**Subject:** RE: Legal privilege/confidential - POL criminal matters - Cabragh and Howard Street

Ben/Rod

Apologies for not replying sooner. I have set aside time today to look at this issue and the other cases/questions you sent through yesterday. There should be no problem in you speaking to Simon about the cases as he is giving evidence as a POL employee, on behalf of POL and the purpose, at least in part, would be to ensure the accuracy of his evidence and the fairness of proceedings. However, I want to read through some of the material first before giving you a concluded view.

Thanks

Nick

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**From:** Ben Beabey <[REDACTED] GRO>  
**Sent:** 23 January 2020 15:38  
**To:** Nick Vamos <[REDACTED] GRO>  
**Cc:** Ben Beabey <[REDACTED] GRO>; Rodric Williams <[REDACTED] GRO>  
**Subject:** FW: Legal privilege/confidential - POL criminal matters - Cabragh and Howard Street

This message originated from outside the firm.

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Nick

- Looking over the Cases on Hand Spreadsheet with Rod, we saw there is another potential trial date in June 2020 in the case concerning Newtown Branch (please note that is a *different* matter from the Newtown matter referred to below – they have different Branch Codes).
- As for timings, as well as Scotter Road coming up on 2 March, we can see the case of **Cabragh** coming up on 25 March.

My query for you on Cabragh is this:

- The spreadsheet doesn't provide much by way of information but it looks like a Northern Irish case - I can see the POL Security member Simon Hutchinson is to be called as a witness; Rod and I considered me calling Simon to ask him more about the facts of the case to give you more context – but very conscious he is to be a witness – is that appropriate? If so, is a call sensible or is there documentation you might expect him to have and which you'd suggest I email him to ask for it? Could you just reassure/guide as how best to get more background information about this case for you to consider given it is another March trial date and if Simon is after all the best bet and if so, how?
- Similarly, another (what looks like) Northern Irish case under the management of Simon Hutchinson is **Howard Street** - and so if we were in touch with Simon about above, we could ask him about this too – but again it looks from the spreadsheet that Simon has provided a witness statement to the Police in this case also.

I'd prefer to have your guidance before picking up the phone/emailing Simon.

Thanks

Ben



**Ben Beabey**  
Senior Legal Counsel, Dispute Resolution and Brand



Finsbury Dials  
20 Finsbury Street  
London EC2Y 9AQ

M: [GRO]

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**From:** Ben Beabey  
**Sent:** 23 January 2020 14:15

**To:** Nick Vamos [GRO]  
**Cc:** Rodric Williams [GRO]; Ben Beabey [GRO]  
**Subject:** Legal privilege/confidential - POL criminal matters

Legal privilege/confidential

Dear Nick

**A. POL Security's schedule of "Cases on Hand"**

Please find attached today's email exchange with the POL Security Team as mentioned by Rod's email earlier today; attached to that is the Security Team's working spreadsheet of "Cases on Hand". This has been annotated with a colour coding as explained by Chris Knight of Security.

Rod was anxious for you to be aware of the overall picture coming from POL Security on ongoing criminal cases for further discussion with Rod – and so can I suggest once you've reviewed the attached schedule in that context, if immediate questions arise, I can look to field those for you with Security.

I will send you the password to open that Spreadsheet separately.

**B. Two new criminal advice queries from POL for advice from Peters & Peters**

I know you are busy in the main matter for Rod and obviously must prioritise that – however, Rod has also agreed that Post Office also ask you to advise on a couple of other (much more self-contained) matters of a criminal nature.

I can summarise those as follows:

1. **Newtown Branch** – has POL done sufficient in terms of updating the CPS as to the Horizon GLO outcome given the timing/circumstances of the guilty plea? I have attached a relevant email chain setting out what I have learnt from Helen Dickinson which included a relevant weblink to a report to give the context; obviously come back to me if more is required.
2. **Hanger Lane Branch** – a CPS criminal prosecution of a Branch Assistant coming to trial in November 2020; the issue concerns certain emails inadvertently cc'd to a POL witness in the case when figures as to the financial amounts involved in the case being put forward in evidence (in a witness statement from POL Security's Steven Moseley) in the criminal case were being checked/debated/considered within POL's deliberations as to what

amounts were in issue for potential civil recovery from the PMR (as distinct from the Defendant Branch Assistant).

Some of those emails considering the correct amounts in issue and including emails to/from POL Legal and WBD were cc'd to the POL witness, Steven Moseley. A question is whether or not this gives rise to a duty to disclose them to the CPS/Defence (including emails from Legal/WBD and a potential waiver of privilege). There is a related potential civil recovery from the former PMR of the Branch amounting to c£250K – WBD have advised this civil recovery is to be considered within the parameters of the new compensation/claims “scheme” being developed but the criminal question arises in connection with the emails cc'd to Steven .

I have attached an email from WBD with a file of the relevant emails in question which WBD have “de-duped” for consideration. The POL witness in the case is **Steven Moseley** and you will see where he was cc'd to such email traffic.

There is a lot of surrounding background to this case and the internal debate at POL around whether the figures in evidence were or were not correct; I suspect the most productive route would be for a conference call with the solicitor at WBD who has been most involved assisting me and we can provide the wider context and go from there – both by way of explanation and providing further emails/documents you may wish to see – for example, the witness statement of Steven Moseley or other material concerning the potential civil recovery itself and the debate which then ensued about the correct amounts in issue (both criminal and civil).

You should note that in both cases of Newtown and Hanger Lane, POL Legal had put the matters to CartwrightKing and indeed CK did provide advice before Christmas on Hanger Lane (indicating no immediate urgency and it could await this month) – however in both cases Rod would like Peters & Peters to pick up the matters and advice POL from now on as I have a concern as to the timely nature of any next steps as may be required.

Rod said you and he can speak separately as regards time recording and billing arrangements.

Kind regards

Ben



**Ben Beabey**  
**Senior Legal Counsel, Dispute Resolution and Brand**

Finsbury Dials  
20 Finsbury Street  
London EC2Y 9AQ

M: GRO

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