

Jarnail A Singh

From: Marilyn Benjamin
Sent: 16 August 2010 15:13
To: Jarnail A Singh
Subject: FW: REGINA v SUSAN JANE RUDKIN

To see.

Marilyn

From: Graham C Ward
Sent: 16 August 2010 15:12
To: Marilyn Benjamin
Subject: RE: REGINA v SUSAN JANE RUDKIN

Jarnail

Thank-you for sight of the letter from Richard Nelson Solicitors.

I recall speaking with Charlotte Knight back in July but to the best of my memory, it related to the issue of the £6K deducted from Mr Rudkin's salary which I was able to arrange with the RART (Regional Asset Recovery Team) for the amount to be offset against the Confiscation Order against Mrs Rudkin.

If the Rudkin's financial situation was mentioned during this conversation (but I have no recollection of this), I may well have indicated that a certificate of inadequacy was an option, as this is the process if the defendant's financial situation has changed since an order was originally made, in terms of equity from realisable assets. However I cannot see that this is the case in this matter as their letter states that the value of the business is still £400K, which is the same value detailed in Ged Harbinson's S16(3) statement dated the 6th July 2009. The problem here is the issue of realising the value of the asset.

As I have indicated in other cases, once a confiscation order is made, payment and any issues relating to payment are a matter for the defendant, the RART and the court. Whilst we would expect to be appraised of developments in these cases, any issues are strictly between the court and the defendant. If we are asked for our view on extensions to pay, then clearly we are likely to take a common sense approach, given many of our defendant's assets are leases or businesses which in the current economic climate can be difficult to realise.


At the time this order was made, it was agreed that the equity in the Ibstock Post Office® was in the region of £146K, which still appears to be the case. In addition a Vauxhall Vectra car, registration **GRO - B** was also listed as an asset and which had a value of approx £6,500. These available assets were recorded as such on the court 505a asset list, but whilst the issue of the Post Office® is well documented, I have not seen any mention of the Rudkin's selling this car, which would raise some equity to service the order.


My opinion here is that a certificate of inadequacy is not the way forward but perhaps a further limited extension to allow the Rudkin's time to sell their business may be appropriate, but again I would stress that this is a matter for the court to decide.


Regards

Graham Ward
Accredited Financial Investigator
Fraud Strand



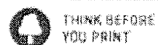
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 **GRO - B** (Mobex: **GRO - B**)

16/08/2010

 graham.c.ward **GRO - B**



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From: Marilyn

Benjamin

Sent: 16 August 2010 10:37

To: Post Office Security

Cc: Graham C Ward

Subject: REGINA v SUSAN JANE RUDKIN

Please see the attached advice and letter from Richard Nelson in the above case.

Jarnail Singh
Senior Lawyer
Criminal Law Division

Tel No **GRO - B**