

02/12 2010 17:13 FAX **GRO**

HUGH CAUTHERY

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CROWN COURT ATTENDANCE NOTE.

Date: 1st December 2010.

Client: Post Office -v- Alison Henderson

File Ref.: 55

In the Norwich Crown Court T20100647
Listed at: 1030a.m.
Before: HHJ Binning
For (s.51; PCMH; trial; sentence; mention) Plea and Goodyear indication
Pros: Warwick Tarford 9-12 Bell Yard,
Def: Michael Clare

No Post Office investigator was in attendance (nor was he needed).

Summary of times:

Travel: 5 hours 36 mins
0748-1048; 1124-1400

Waiting: 18 mins
1054-1112

Preparation 06 mins
1048-1054

Hearing: 12 mins
1112-1124

rail fare £26.00

Taxi - £6.00 (earlier trains cancelled, therefore late)

Summary of outcome:

No pleas entered, no Goodyear indication given.

Judge has adjourned case until 15th December 2010 for the defendant to pay the money back.

Bail as before.

PLEASE NOTE: IT IS UNCLEAR TO ME WHETHER THIS CASE WILL BE AT NORWICH OR IPSWICH, it depends upon whether the Judge's or Defence Counsel's desire wins the day.

NOTES:-

0748-1048

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Travel.

Walk to station, purchase ticket, board 0818 arriving Norwich 1032 taxi to court.

1048-1054

Preparation

With Counsel, discussing basis of plea and figure for costs. I had sight of the basis of plea but counsel has it on his brief. Basically, accepting false accounting but not theft. I saying that even if she brings a cheque today, we should ask for a compensation order in case the cheque bounces! Saying if money repaid we would not pursue POCA

1054-1112

Waiting.

1112-1124

Hearing.

Identified.

Defence explain that in the basis of plea it indicates the money has been repaid, but in fact it hasn't yet. It is in a bank account ready to be repaid. Asking for a Goodyear indication.

Judge suggests that paying all the money back would be a main plank of mitigation, but at this stage it hasn't been done.

Defence – it will be.

I will adjourn this case until it has – 'many a slip twixt cup and lip' The Post Office, I imagine, want their money back. I will say that if it is paid back in full I will look upon this defendant favourably. I will reserve the case to myself and adjourn until 15th December to give time for the cheque to clear so we know where we stand. Better to have payment cut and dried. You can then mitigate on the basis of plea.

Defence – request Goodyear indication regardless of whether the money is paid back, then we could perhaps assume a little less if it was?

Defence – will Your Honour order a pre-sentence report.

Judge – I cannot order a PSR until a guilty plea has been entered

Defence – I know Your Honour is in Ipswich on 15th December, would you consider a date when you are next in Norwich.

Judge – No, you can come to Ipswich. I imagine you want the case reserved to me for continuity.

Defence – well I don't know about that, there won't be any continuity if it's in Ipswich because I won't be going there. I don't do Ipswich.

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Judge – aren't there trains?

Defence – Apparently so. I have a lot of commitments here.

Judge – Case adjourned for 14 days for the money to be repaid, to 15th December 2010. If money is repaid, that will be cause for optimism.

Unconditional bail.

1124-1400

Travel.

Walk to station, board (delayed) 1157 arriving Peterborough 1340, walk home.