

IN THE CROWN COURT AT BRADFORD

BETWEEN

REGINA

-v-

KHAYYAM ISHAQ

ADVICE ON EVIDENCE

1. *Theft, contrary to section 1(1) of the Theft Act 1968*

Khayyam Ishaq, between 14th September 2010 and 9th February 2011 stole £21,168.64 belonging to the Post Office Ltd contrary to Section 1(1) of the Theft Act 1968.

Further to Martin Smith's advice dated 23rd March 2012, the following should be noted:

1. Breakdown of the deficit – £21,168.64

The statements provided to date clearly describe how the Horizon system works and what is meant by a sales reversal of stamps. However there needs to be a tally in a s.9 format which clearly shows how the figure of £21,268.64 is reached. Ideally this would be calculated by the investigator Steve Bradshaw or the auditor Dennis Watson.

Steve Bradshaw's s.9 dated 19th June 2012 provides a clear summary of reversals over given time frames.

It would be useful if the investigator could calculate:

- a) how much of the overall deficit is included in that s.9 ;
- b) the time frame it covers (ie the whole of the indictment period or part of it).

The auditor's report shows the loss as follows:

£ 21,181.54 (-)	Discrepancy as per office snapshot
- 12.90 (+)	Identified as difference in stock figures
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£21,168.64	Loss to POL – Figure on Indictment

Further evidence required:

- Is the above figure made up wholly of stamp reversals, or are there other ways in which the money is down?
- Could you find out what the £12.90 was so that everything can be identified and particularised when showing how the overall figure was reached.

2. Criticism of Horizon system

Unsurprisingly the defence have made unspecified attacks on the integrity of the Horizon system. Counsel Sarah Porter made it explicitly clear to the defence at the PCMH on 4th September 2012 that the Post Office maintains its position that the Horizon system is robust and that we would review disclosure if defence were forthcoming with any specific issues with the system.

The position so far:

We have served the Horizon data disks on all parties with the corresponding passwords, containing all Horizon core data for the indictment period.
(Complying with point vi of DCS)

Further evidence required:

- Gareth Jenkins s.9 – I intend to serve this to rebut any criticisms made against the system, a copy of which is attached.

3. Calls to Helplines – NBSC or HSD helpline

Is there any evidence to suggest that Mr Ishaq made any calls to either the NBSC or HSD helpline between the 14th September 2010 and the 9th February 2011?

This is an integral part of the case. The defence are alleging in brief terms:

"It wasn't me it was the system that was faulty, I didn't hardly have any training and when I did make calls no one helped me"

If we can serve evidence to identify what (if any) calls were made to the HSD or NBSC helpline, we will be able to rebut the assertions that defence are making. At present we simply don't know if any calls were made. It would be quite powerful evidence as the call logs record a brief detail of what was discussed with the Subpostmaster and the helpline staff, so it may be that even if calls were made, they were simply irrelevant and nothing to do with problems with Horizon system.

4. Training Materials

Defence are alleging that Mr Ishaq had little and/or inadequate training from POL.

This element is again crucial to our case, as to establish Theft we need to prove dishonesty. Defence are alleging that their client was not dishonest but if anything, oblivious to any false entries he made though poor training.

Further evidence required:

- Contents of personnel file – anything useful, showing signed contract for services, CV etc
- Training records – what introduction Ishaq had to the Post Office, what he was trained on and how many sessions etc he received.
- Screenshots of training materials contained on Horizon terminal. A couple of paragraphs in a further to s.9 to explain that all Post Office workers have access to a full range of training materials on their Horizon terminals. If they can operate the terminal with simple transactions, they can access the training materials with ease. Note that they would also have been made aware of these materials with notifications on their terminal.

Next steps

If we can clarify how the loss was reached, together with training materials and calls to the help lines, we will be able to rebut each element of the defence that has been raised to date.

We have an expert report that I will serve on defence which will deal with their generic criticism of the Horizon system.

SB/21 is a very useful grid showing where the reversals were made, on a given date with a specified amount. (However the date ranges contained on the grid do not directly correspond with the indictment period, the grid shows 2/11/10 – 31/01/11 and the indictment period is 14/09/10 – 9/2/11)

Please could the investigator confirm

- a) if SB21 contains the whole loss of £21,168.64 ;
- b) if it does, could the investigator produce a further s.9 showing the figures and dates from this table.

If we can produce evidence which clearly shows the overall loss, that is as clear as this grid, we will have a much stronger case to go to trial on in February 2013.

This advice is intended to provide guidance on areas of the case which need further evidence to bolster the Prosecution's case. As the defence have shown no sign of entering a guilty plea, I have summarised the additional items of evidence below, which, when served, should strengthen the prosecution's case.

Summary of further evidence required:

1. Breakdown of how the loss of £21,168.84 is calculated
2. Gareth Jenkin's s.9 (Rachael Panter to serve)
3. Call Logs – NBSC or HSD helpline covering whole of indictment period (14/09/10 – 09/02/11)
4. Training Materials
5. Personnel file – CV, Educational background

Please do not hesitate to contact me if I can be of any further assistance.

Rachael Panter

Direct Dial: **GRO**

Cartwright King Solicitors

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