

**IN THE CROWN COURT AT WORCESTER**

**THE QUEEN**

**v.**

**JULIAN WILSON**

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**ADVICE**

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1. This is not a straightforward case because of the difficulties in establishing theft and the fact that the charges of false accounting do not necessarily result in the claim to the full loss. Having discussed the case with Juliet McFarlane of instructing solicitors, I have drafted an indictment the counts of which in my view are made out on the evidence and admissions which have been served, which enables a proper claim to be made for the full sum of £27,811 odd but also satisfies the criminal lifestyle condition set out in s.75(2)(c) of the Proceeds of Crime Act 2002 for the purposes of pursuing confiscation.
2. I have prepared a draft Case Summary for consideration and service on the defence and the Court.
3. I have also drafted a hearsay application which needs to be signed and served upon both the defence and the Court. Needless to say some parts of the application await the evidence set out below but the first application should be served at this stage.
4. The following additional evidence should be obtained and served on receipt under cover of a Notice of Additional Evidence:
  - a) the trading statement for 11 July 2008 to 15 August 2008, exhibited I assume by Mr Gary Thomas;

- b) any final cash account statements submitted by Mr Wilson during the indictment period or any digital records of the returns made during 2004, 2005 or 2006 identifying the creation of the deficiency of £13,000 odd as at April 2007 which may be exhibited by any individuals who have access to them. Such documents should out of caution have the benefit of a certificate under s.117(2) and (5)(b) of the Criminal Justice Act 2003 to reflect the fact that the figures was hearsay and derived from entries submitted by staff other than Mr Wilson at the Astwood Bank Post Office.
  - c) A further statement from Mr Patrick should:
    - i) explain the source of the £696.27 figure which appears on the first page of DP/01;
    - ii) give a certificate under s.117(2) and (5)(b) of the Criminal Justice Act 2003 to reflect the fact that the audit figure was hearsay and derived from entries submitted by staff other than Mr Wilson at the Astwood Bank Post Office.
    - iii) exhibit the original horizon document which gives such breakdown as results in the £27,811 figure;
    - iv) state that at all material times the computer was working appropriately and that there is no reason to doubt the accuracy of the information received;  
and
    - v) state whether in his experience there are any issues as to the accuracy of the information produced from the Horizon software package.
  - d) A further statement from Glen Chester giving any signature by the defendant of the sub-postmasters' contract and receipt of the relevant terms and conditions.
5. Dependent upon what occurs at PCMH it may be necessary to obtain statements from:
- a) Paul Vantoosy and Keith Bridges, which may not be served, as to his history with the Defendant and the allegedly exculpatory information provided to him.

- b) Donna Evans, which may not be served, as to her history with the Defendant and any alleged requests about Horizon and how they were handled.
6. If a transcript rather than a summary of the police interview was in fact created first, I would be grateful to see it, in particular the exchange at 26.20 on the second tape (E38) which related to admission to dishonesty.
7. In their letter dated 14 May 2009, Mr Canlin of the Defendant's solicitors apparently seeks information as to the number and location of other Royal Mail prosecutions. The legal obligation to provide any such information is limited in my view to the request satisfying the prosecution's continuing duty to disclose namely that the material might reasonably be considered capable of undermining the case for the prosecution against the defendant or of assisting the case for the accused. I personally am not aware that Horizon has been found to be faulty in any respects but I would be grateful to have this point clarified. It is conceivable that other cases may have sought to take this point but I am not aware of this. If there are no issues about the system then of course a firm line can be taken. If there is material which is potentially disclosable then I am of course happy to advise. I assume also that no defence statement has yet been received. It may be on the other hand that the defendant's solicitors are hoping to launch a marketing drive to all Royal Mail defendants.
8. Should those instructing me wish to discuss any aspect of this further, they should not hesitate to telephone me in Chambers from 1 June.

Anthony Vines

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22 May 2009

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**ADVICE**

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