

CCRC CASE BRIEFING NOTE

Name: : Seema Misra

Subpostoffice : West Byleet

Offence(s) : Theft x1
False Accounting x 6

Loss : £74,609.84 – not known if repaid as not seen confiscation documentation.

Plea(s) : Not Guilty to theft – trial 11th – 21st October 2010
Guilty to 6 counts of false accounting

Sentence: 15 months immediate imprisonment for one offence of theft; 6 terms of 6 months imprisonment for 6 offences of False Accounting, all terms to be served concurrently, Total of 15 months imprisonment.

Date Convicted: 21st October 2010
Sentenced : 11th November 2010

Prosecution case : Audit: 14th January 2008 at West Byleet SPO. Loss in cash identified.

Subject informed auditor she knew of loss and explained she had had members of staff stealing from her and that she had been trying to repay the money and had falsified the accounts whilst doing so. She had not informed POL as she did not want to look incompetent

In interview she confirmed that account.

Defence case : In the trial she maintained that staff had been stealing from her but that the losses had continued after the thefts had been discovered. The trial mounted an attack on the Horizon system and expert witnesses were instructed on behalf of Crown (Gareth Jenkins) and the Defence (Professor Charles MacLachlan)

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Issues : This is one of the few cases where Gareth Jenkins attended court and gave evidence for the Crown. This witness creates difficulties for POL as he knew of the issues with the Horizon system as identified in the second sight interim report and failed to declare them, falling far short of the standards expected of an expert witness. The "Falkirk bug" was known to the defence and was the subject of cross examination.

Comments : This is one of the most vulnerable cases before the CCRC. The reality is that the defendant's version of events changed significantly between the audit and the trial which would normally be enough to found a conviction but in this case it is possible that the participation of Mr Jenkins might be sufficient for the CCRC to refer this case to the Court of Appeal.

Harry Bowyer

18th June 2015