

POST OFFICE LTD

-v-

LYNETTE JANE HUTCHINGS

ADVICE

1. Prosecution Case.

On 30th March 2011 an audit was carried out at the Rowlands Castle sub Post Office branch which revealed a deficit in the accounts of £9,743.76. The audit had been arranged after the branch failed to return £30,000 as requested, returning only £14,000. When errors in favour and against the branch were subsequently processed, the outstanding debt at the branch was found to be £10,814.83.

There is very strong evidence to support the allegation that Mrs. Hutchings had inflated the amount of cash held within the branch, usually by inflating the figure for cash held in £50 notes, on the days upon which Branch Trading Statements were completed. It would appear that deficits in the accounts were covered up in this manner for some considerable period of time. The ONCH data goes back as far as 27th December 2009 and suggests that the fraud has been going on at least as far back as 13th January 2010.

In interview on 20th April 2011 a prepared statement was read out by Mrs. Hutchings' solicitor following which Mrs Hutchings exercised her right to silence. In her prepared statement she admitted to altering the cash declarations and suggested that she had done so only since the migration to Horizon Online, which she thought was around the months of May or June

2010. (The migration date was in fact 5th July 2010) Furthermore she said that at the time of migration, all accounts balanced which was clearly untrue. She also gave examples of problems which she alleged she had experienced with the Horizon system, which do not appear to be of any relevance. Whilst Mrs. Hutchings has denied stealing any money, she has not put forwards any explanation as to how the deficit has arisen.

2. Defence Case.

It is not known whether Mrs. Hutchings will admit or deny any wrongdoing in due course. However given the evidence and the admissions made by Mrs Hutchings in her prepared statement, it is difficult to see how she could successfully argue that her actions had not been dishonest and that she had not had the relevant intention to make a gain, cause a loss or expose the Post Office to a risk of loss.

3. Statements.

I have seen the memo of 17th June 2011 from Jarnail Singh to Graham Brander and note that numerous statements have since been taken. No further statements need be taken at the present time.

4. Charges.

Mrs. Hutchins should be charged with a single offence of fraud between 13th day of January 2010 and 30th March 2011. Rule 14.2(2) of the Criminal Procedure Rules 2005 provides that "more than one incident of the commission of the offence may be included in a count if those incidents taken together amount to a course of conduct having regard to the time, place or purpose of commission."

**Martin J Smith,
Solicitor,
Cartwright King,
Majority House,
Lodge Lane,
Derby.**

4th January 2012

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LYNETTE JANE HUTCHINGS

PROPOSED CHARGE

1. Fraud, contrary to section 1 of the Fraud Act 2006.

LYNETTE JANE HUTCHINGS between 13th day of January 2010 and 30th March 2011 dishonestly and intending thereby to make a gain for herself or another, or to cause loss to another or to expose another to a risk of loss made a representations to the Post Office Ltd which was and which she knew was or might be untrue or misleading, namely that the amount of cash held at the Rowlands Castle Sub Post Office Branch was higher than it actually was thereby concealing losses, in breach of Section 2 of the Fraud Act 2006.