

16th September 2007.

Judge McFarland.  
 @ Dungannon.

Closing speech by Mr McKay BL.

Closing speech by Mr. Berry BL.

Judge:

Went through normal procedure about being sure about theft beyond reasonable doubt.

Defendant gave evidence and this supports her credibility. 47 yrs old - no criminal record. These are matters you should have regard to in her favour.

She runs a store & is in a contract with the P.O. In that capacity she receives money (float or cash remittance). From time to time that may be topped up with specials. Money comes in as people buy stamps, travel insurance etc. On a Wednesday night a stock take takes place. Done on a computer and should balance. Post mistress prepare a document to say - this is everything I have paid out this week and send off all chits. The shop money should not be mixed with P.O. money.

When you retire you will have exhibit 49. In addition to that I am going to allow you to take in Exhibit 7. Over a period of weeks starting wk 26 through to wk 9 of new year - 37 wks - in those wks you'll see the various usage of over or under claims. 3 of the wks were down - 20 were up & no error in 14 of the wks. £4,600 - +68%. If you want to look at the foils there were 55 missing - 30 occasions - 7 foils had not been produced.

The crown case - ① Amount of money ② Number

of foils involved (small office) (3) the length of time involved wk 26 - wk 3 (30 wk period) - you may draw an inference from that. Certain foils were repeated. If this was human error it would be more random. If Mrs McKelvey was genuine, <sup>mistake</sup> there should be a parallel gain in balance to reflect mistake. There should be a gain of £536 approx. We know money is changing from shop account to P.O account. - The balance was never going to be right. The lack of any gain consistently <sup>one</sup> shows Mrs McKelvey was acting in a dishonest fashion. 4 or 5 substantial weeks. Random checks - impossible to check 8 million. The Crown are saying you can interpret & draw inference. At start of 2nd interview she said that Mrs Winter viewed everything and her response was - under pressure, understaffed and I never intentionally done anything wrong - new computer system - helpline not effective - got on ok but was never terribly happy. Did accept that had managed to touch screen wrong. She said that money was mixed. Described problems of getting cash, wasn't delivered quickly enough & still not enough. Since money was taken out of one till and into another with no record that is a recipe for disaster. Whenever she was doing this she didn't process her foil through Horizon. She accepts she was using this money incorrectly. In April 2002 12 foils were produced. This could have answered Mrs McKelvey's problems if these foils had have been produced. Clearly history of foils going missing. Combination of poor bookkeeping, pressure & poor mistake. Re-existing problem. Jury retired at 2.50pm.

Jury brought back @ 4:00 pm for direction, as  
some members requested smoke break.

Brought back @ 5:15 & given direction  
Returned @ 5:45 majority Not Guilty.