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The Real Network

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6th January 2006

Investigation Team Post Office Limited

c.c. Diane Matthews

ROYAL MAIL GROUP plc v HUGHIE NOEL THOMAS
BAILED TO HOLYHEAD POLICE STATION - 10TH JANUARY 2006
CASE NO: POLTD/0405/0401

Please see minutes from Diane Matthews of the 25th October and 12th December 2005.

In my opinion the evidence is sufficient to afford a realistic prospect of conviction of the above named on the charges set out on the attached Schedule. It is considered that there is a medium prospect of success as the Defendant appears to claim that the loss was due to irregularities with the Horizon system. Records obtained to date would tend to refute this.

I have noted the schedule of user codes on file. Could the Officer advise whether this is a current list.

In view of the nature of the offence prosecution is appropriate in this case.

This case is, in my opinion, more suitable for trial in the Crown Court.

I note that the Defendant is due to re-attend at Holyhead Police Station on the 10th January 2006. Presumably at that stage he will be charged with the offence which I have suggested. Clearly a decision to be prosecuted will have to be taken before the Defendant's return bail date but this advice is based on the assumption that that would in fact take place.

It is of course absolutely essential that all relevant paragraphs of Security Community Circular 8 of 99 are adhered to.

It is likely that the matter will be in Court shortly after the 10th January 2006. It is important that the Officer liaises with our Agents Messrs Hill Dickinson, Solicitors, 34 Cuppin Street, Chester, CH1 2BN (Telephone No. GRO) as to the hearing date so that arrangements may be made for the prosecution to be represented at Court.

No further statements need be obtained at this stage.

If the Defendant should elect trial or if the Magistrates refuse jurisdiction or if a Not Guilty plea is entered, the Officer should obtain and associate all

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necessary statements and exhibits. I list below the statements which appear to be necessary in this case, but the Officer should also consider whether there are any other areas which can usefully be covered and include any such evidence.

- 1 Copy statement dealing with the Defendant's appointment as Subpostmaster and describing his duties.
- 2 A statement explaining the accounts dealing with how weekly accounts are prepared and balanced, describing the Horizon system and how shortages should be dealt with.
- 3 Copy statement explaining the on-line banking system in particular how nil transactions occur and how they were analysed in this particular case. Documentary records should be produced.
- 4 Copy statement dealing with contact with the Helpline explaining what, if any, contact the Defendant made re Horizon difficulties.
- 5 A statement from the Auditor dealing with the audit and findings.
- 6 Copy statement from Interviewing Officers.

In this event, please prepare one set of typed copies of those statements and exhibits. Please also prepare typed draft lists of statements and exhibits (statements to appear in chronological order and exhibits in the same order in which they are produced by the witnesses). A separate typed list of witnesses, showing their addresses, should also be supplied.

You will be aware of the provisions of the Criminal Procedure and Investigations Act 1996 concerning disclosure. I would refer you particularly to paragraph 4.10 of the Security Community Codes of Practice and also to paragraph 5 (5.1 - 5.3) of the Codes. Please let me have the necessary information on Forms CS006C, D and E in that event. The schedules must be signed. If you need any assistance in this respect please contact me.

As we are now required to serve the prosecution papers on the Defence at least 14 days prior to committal, it is essential that we receive them at least 21 days before the proposed committal proceedings or summary trial date. If we are not in a position to proceed on that hearing date, we may face a wasted costs order.

I will make application for compensation in the sum of £48,454.87.

As stated above the prosecution will be conducted by my Agents Messrs Messrs Hill Dickinson Solicitors, 34 Cuppin Street, Chester, CH1 2BN (Telephone No. GRO). Please liaise with Agents prior to fixing a hearing date.

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The file should be returned to me so that I may send formal instructions to Agents.

J A McFarlane
Principal Lawyer
Criminal Law Division

juliet.mcfarlane

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