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Memo



10 January 2011

Maureen Moors
National Security Team
Post Office Ltd
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Clippers Quay
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c.c: Helen Dickinson

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POST OFFICE LTD -v-
CASE

Thank you for your minute of 4 January 2011. In my opinion the evidence is sufficient to afford a realistic prospect of conviction of the above named on the charge set out on the attached Schedule. My understanding of the evidence is that the Defendant was using money in the post office and his stock-takings to pay bills and purchase stock. The money ran out. Cash held at the office was the Defendants property. He was unable to obtain any loans and accordingly he had to find the money from somewhere. He then purported to place cash into the post office supported by documentation which was used to inflate his Alliance & Leicester account. He then transferred money from the Alliance & Leicester account to his HSBC account which was used to pay monies owed to Post Office Ltd and no doubt to obtain cash to enable him to continue to run his business. As his business was not making a profit the amount required was inflated over a period of time.

I am not convinced therefore that there is any charge of theft that can easily be preferred in this case and accordingly I have charged the allegation of fraud. I am also not convinced that money-laundering is an appropriate way to address this issue.

If I have misunderstood this case, please contact me immediately.

In view of the serious nature of the alleged offence involving a loss of over £95.000 to Post Office Ltd, this case should be prosecuted.

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

In the event that the prosecution is authorised, please obtain summonses.

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Whilst it is hoped that the Defendant will plead guilty to the charge in the Magistrates Court and be committed for sentence, this is not always the preferred option by the Defence and it may therefore be that witness statements and exhibits will need to be obtained.

In this event I would advise the following are obtained:

- 1 Statement explaining the "essential post office procedure and rules".

I would like documents to be produced covering the list of transactions that were being conducted covering monies owed to the Defendant and monies owed to Post Office Ltd. I understand that a schedule has already been prepared and we will need to obtain and produce the evidence from Horizon that was used to prepare that schedule. Similarly, another schedule has been prepared headed "Alliance & Leicester cash deposits." I assume that we have extracted documentation from the Horizon system that shows the deposits have been made and again these will need to be produced as they are the core evidence which has lead to the preparation of the schedule.

- 2 Evidence of the audit producing the audit report and any documentation associated with that report.
- 3 Evidence of the interview producing the tape and summaries separately.
- 4 Any other statements the Investigation Manager considers appropriate.

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. Please confirm whether there is any material which might reasonably be considered capable of undermining the Prosecution case or assisting the Defence case and which has not already been disclosed. Please also let me have Forms GS006C, D and E in any event.

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The papers must be sent to this Office at least 14 days before the proposed committal proceedings or summary trial date.

It is intended to make application for compensation and it is understood that the final figure in this case covering the loss is £95,018.80. If this is incorrect, please let me know what figure we should be alleging is Post Office Ltd's loss.

The prosecution will be conducted by my Agents, Messrs O'Garra's, Solicitors, 32 Park Square, LEEDS, LS1 2PF (Tel.No:) (Fax No:) Please liaise with Agents before fixing a hearing date.

Please let me know the Court and hearing date in order that I may send the instructions to Agents.

GRO

Rob G Wilson
Head of Criminal Law
Criminal Law Division

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