

Rob G Wilson

From: David Comb **GRO**
Sent: 21 September 2010 14:27
To: Rob G Wilson
Cc: Juliet Mcfarlane
Subject: **GRO** - disclosure - Carlisle CC - 21.9.10



Dear Rob,

Thanks for your assistance this morning. A short note to confirm our earlier conversation about the outcome of the hearing:

Coram: HHJ Forrester
Contra: Miss Mottram
Also present: Phil Bradley, Birchall Blackburn solicitors

Order:

- 1) Experts to meet and produce a joint report on Horizon, including a schedule of agreement and disagreement, by 29th October 2010.
- 2) Relist for mention and fix on 10th November 2010.
- 3) Within 7 days the prosecution shall disclose the following, or explain why the same should not be disclosed:
 - a) Vouchers
 - b) Business Support Centre Records
 - c) Electronic Funds Transfer Records

In relation to 1) above, this order stemmed from your Instructions to me that this approach has been followed in the case of Misra. It seems like the most sensible way to answer the issue as to the reliability of Horizon. We have discussed the somewhat unfocussed nature of Mr. McLachlan's interim report and other concerns arising therefrom. In line with your Instructions, I indicated that the defence expert could have supervised access to Horizon during any meeting.

In relation to 2) above, I had submitted that the return mention and fix should be listed on the 29th October, as I am aware that Andy Rutter is scheduled to enter a 30 day trial the following week. However, HHJ Forrester would not have been available on that date and wanted to keep a handle on the case.

In relation to 3) above, the defence state that they have had material of this kind disclosed in similar cases.

The Court are anxious to list a trial date. I have pointed out that the defendant has accepted an accounting imbalance of approximately £26,000 and further accepted falsifying records to conceal the discrepancy. The only issue is whether this was done honestly to cover up the technical failings of Horizon, or dishonestly to cover up her own theft. The experts' report may significantly narrow the trial issues.

As an ancillary matter, I have been informed by the defence that my Instructing Solicitors have

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Page 2 of 2

agreed to draft a consent order that would amend the restraint order in order to allow a lease of the post office to a new post mistress. They have asked if this can be progressed as quickly as possible. It may well be in Royal Mail's commercial interests to act with expedition if such an agreement has been reached.

I trust this note assists. However, please don't hesitate to contact me with any queries.

Regards,

David Comb

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21/09/2010