
From: Jarnail Singh [GRO]
Sent: Mon 27/01/2014 4:55:15 PM (UTC)
To: David Oliver [GRO]
Cc: Rodric Williams [GRO]
Subject: RE: briefing on Cartwright King review work

David

More detail as follows ;

1. CK Review

a. Purpose

The purpose of the Review process was defined as being to identify those cases where, had CK been possessed of the Second Sight and Helen Rose reports during the currency of the prosecution, would CK have then been required to disclose some or all of that material to the defence. CK deliberately set a very low threshold for applying this test: if the material MIGHT have been disclosable then CK would provide the Reports to the defendant so that he could consider whether or not to appeal against his conviction. This test, and indeed the entire process, was directed towards the duty of any prosecutor to provide to a defendant any disclosable material.

b. Process

All of the cases were subjected to a „sift“ review in which those identified as being „risk“ cases were separated out and subjected to a „Full Review@ The sift review consisted of a qualified criminal solicitor reading the case papers, identifying the issues and considering whether or not HOL was an issue. Full Reviews were (and are) conducted by senior counsel experienced in prosecuting and defending criminal cases and disclosure issues.

In each „Full Review“ case a full and detailed report was undertaken, considering every aspect of the case and reaching conclusions about POL“s exposure. Where it was determined, again by a very low threshold test, that disclosure ought now to be made, the reports were disclosed to the defendant“s representatives.

c. Numbers 325

d. Outcomes

Thus far no convicted defendant has sought the leave of the Court of Appeal to challenge his conviction; this may change.

Systems are now either in place or being put into place so as to ensure that POL“s duties as a prosecutor are fully complied with in all respects.

e. Scotland

At the beginning of September, POL was informed that the Procurator Fiscal for Scotland (PF) had determined all POL prosecutions in Scotland should be terminated. He had arrive at this decision on the basis that as POL were then unable to prove that HOL was wholly reliable, he was not in a position to seek the conviction of any defendant on potentially unreliable evidence. POL“s main concern here was that of the intention to stop ALL cases and not just those which relied upon HOL-based evidence. Such a step would have raised a considerable public relations storm for POL.

CK senior counsel Simon Clarke and senior Solicitor Martin Smith were asked by POL to attend upon the PF and to see if anything could be done to dissuade him from his stated course. Jarnail Singh attended for POL. Having heard from CK and JS, the PF agreed that, rather than discontinue every case, he would now review each case separately and a decision taken on the facts of individual cases. This amounted to a departure from his starting point that all POL prosecutions were to be terminated. In addition the PF agreed to adjourn every case for 6-months to allow POL to instruct a new, independent expert.

2. Discontinued Cases

Following review, a number of HOL-reliant cases were discontinued, not least because sought to limit POL“s exposure.

3. Present state of affairs

CK have completed the Review process, certainly in relation to HOL cases going back to January 2010. CK are certainly more confident now that the number of potential wrongful convictions is in single figures and that the Court of Appeal is likely to overturn only one or two of those convictions, if any.

A new Prosecution Policy is almost ready to be put in place: this document, like all such documents, will be published so that all may see what they can expect from POL in the future.

New Identification, Recording and Retention protocols are in place so as to ensure that a similar crisis does not arise in the future.

The benefits of these new systems include the demonstrable auditability and transparency of POL's new criminal litigation function.

4. Current & on-going prosecutions

Prosecutions are now re-commencing, although we await the instruction of a new HOL computer expert.

Jarnail Singh | Criminal Lawyer



148 Old Street, LONDON, EC1V 9HQ



GRO

Postline:

GRO



GRO

Mobex:



Jarnail.a.singh@

GRO



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From: Jarnail Singh
Sent: 27 January 2014 16:37
To: David Oliver1
Cc: Rodric Williams
Subject: RE: briefing on Cartwright King review work

David

How this for start

1. Cartwright King Reviewed cases going back to 1st January 2010.
2. 325 individual's whose cases were reviewed in England and Wales
3. Further disclosure was made to 21 individual's legal representatives.

Jarnail Singh | Criminal Lawyer



148 Old Street, LONDON, EC1V 9HQ



GRO

Postline: 0200 974 222



GRO

Mobex:



Jarnail.a.singh@postoffice.co.uk

GRO



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From: David Oliver1
Sent: 27 January 2014 16:17
To: Rodric Williams; Jarnail Singh
Subject: briefing on Cartwright King review work

Both,

Grateful for an urgent word about the Cartwright king review work as I need a short note to brief Alice and Paula ahead of their bilateral with James Arbuthnot tomorrow morning.

Thanks
David

David Oliver
Programme Manager
Initial Complaint and Mediation Scheme
David.oliver1 
Mobile 