
From: Hugh Flemington[/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HUGH.FLEMINGTON14106A9A-9886-403D-BF5B-E08821F432B3]
Sent: Tue 26/03/2013 5:26:02 PM (UTC)
To: Susan Crichton[GRO]
Subject: FW: Horizon issues URGENT

Some useful points

Hugh Flemington | Head of Legal

 148 Old Street, LONDON, EC1V 9HQ

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From: Jarnail A Singh
Sent: 26 March 2013 15:57
To: Hugh Flemington
Subject: FW: Horizon issues URGENT

Hugh

We have spoken. In my view POL should deal with each investigation and prosecution on merit. If and when Horizon issue is raised by the defence, we assess the merits and take a considered view. Invite the defence to make an application to the judge to adjourn or stay. We would not oppose the application. This would be the Judge's decision. This would absolve POL from any subsequent criticism of delay etc. I also forwards email from Martin Smith of Cartwright Kings with his Views.

Jarnail Singh | Criminal Lawyer

 148 Old Street, LONDON, EC1V 9HQ

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From: martin smith [redacted] GRO
Sent: 26 March 2013 15:24
To: Jarnail A Singh
Subject: RE: Horizon issues URGENT

Jarnail,

Thanks for your e-mail.

1. If applications were made to adjourn all existing cases until after the report becomes available, this would result in a "nightmare" situation. The fact that applications had been made would send out the wrong message and it would be assumed by many that POL had found and was trying to resolve a problem with the Horizon system. Whilst it could be made known that no problems had been found by POL, it is unlikely that defendants would believe such a statement. I would expect there to be numerous applications for disclosure and extra hearings (and extra cost).
2. In a significant number of cases, admissions are made in interview and no issues are raised with regard to the integrity of the Horizon system. POL would be open to criticism if the prosecution of these cases should be delayed. Similarly there could also be adverse judicial comment if the prosecutions in cases in which no admissions have been made were delayed.
3. The best approach in my view is to treat each case individually. The prosecution can commence in the usual way and upon receipt of the Defence Case Statement, any challenge to the integrity of the Horizon system can be considered. Of course the first time we may get to know of a "challenge" may be in the DCS. If a "real" issue is raised, the case could be adjourned until after the report becomes available. The defence could apply for the adj and we would not object. If, however, the challenge raised in the DCS is flawed, has no basis or foundation, or relevance and is clearly just an attempt to frustrate the prosecution, the case can continue in the usual way.

Please do not hesitate to call me if you have any questions or wish to discuss any aspects of this further,

Kind regards,

Martin.

From: Jarnail A Singh [redacted] GRO

Sent: 26 March 2013 14:18
To: Andy Cash; martin smith
Subject: FW: Horizon issues URGENT

Jarnail Singh | Criminal Lawyer

 148 Old Street, LONDON, EC1V 9HQ

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From: Jarnail A Singh
Sent: 26 March 2013 13:31
To: 'Andy Cash'
Cc: martin smith
Subject: Horizon issues URGENT

Andy

May I have your view on . Why POL cannot simply stay and hold fire in prosecutions where there has been alleged Horizon issues Yes or no .Can we stay some or is it all or nothing?

Jarnail Singh | Criminal Lawyer

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