

Message

From: Andrew Parsons [GRO]
Sent: 15/04/2019 08:39:03
To: Rodric Williams [GRO]
CC: Gavin Matthews [GRO]; Amy Prime [GRO]
Subject: BAQC Advice [WBDUK-AC.FID26610170]
Attachments: ADVICE ON THE COMMON ISSUES TRIAL JUDGMENT.pdf

Rodric

Please find attached BAQC's advice on the impact of the CIT Judgment on prosecutions. I've pasted below BAQC's conclusions. Perhaps we can discuss, once you're back from hols and had a chance to review?

My thoughts are:

- Does point 2 below need to be fed into the governance around the recusal appeal process? It lends some weight to pushing ahead with the recusal appeal.
- On point 3, does Post Office need to set up a process for CK to be reviewing the HIT?

Kind regards
Andy

1. The judge's factual findings about disputed Branch Trading Statements do not in my view impact on the safety of past convictions, because (1) they are based on his application and interpretation of the law of contract to the contracts that exist between POL and SPMs; (2) the judgment and his factual findings are not binding on the Court of Appeal Criminal Division or even persuasive authority, and so they do not impact on criminal matters, as the judge observed himself; (3) each past conviction was founded on facts specific to that case, and in any future appeal or reference made by the CCRC the safety test will have to be applied according to issues, and the evidence heard in, each case and any fresh evidence the Court of Appeal permits to be adduced before it.
2. The critical observations the judge made in the course of the Common Issues judgment suggesting that POL has a culture of secrecy and regarding its approach to documents do risk provoking SPMs, the CCRC and the public to believe that POL will have adopted such a culture towards its duties of disclosure during the prosecution process and possibly to the review process begun in 2013. However, those criticisms are not grounds on which any individual can launch an appeal and they are not very likely to move the CCRC to make a reference on that basis alone, but they risk moulding, if not changing, attitudes towards POL.
3. I do advise that POL investigates the issue set out in paragraphs 84-88 above with Cartwright King to see if PEAK PC0211833 was notified to the prosecution in August 2011, what, if any, cases were affected; if they were, how they were managed, and what the outcomes were.

Andrew Parsons
Partner
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From: Brian Altman [GRO]
Sent: 14 April 2019 13:18
To: Amy Prime [GRO]
Cc: Andrew Parson [GRO] Gavin Matthews [GRO]
Subject: Re: Post Office [WBDUK-AC.FID26896945]

Dear Amy,

I am attaching my Advice.

If any further questions arise from it, please don't hesitate to get in touch.

Kind regards,

Brian

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GRO

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