

**From:** Rodric Williams <[REDACTED] GRO [REDACTED]>  
**To:** 'Brian Altman' <[REDACTED] GRO [REDACTED]>  
**Cc:** 'gavin.matthews' <[REDACTED] GRO [REDACTED]> <gavin.matthews [REDACTED] GRO [REDACTED]>  
**Subject:** RE: Message for John Grimmer re: Instructions for Brian Altman QC  
**Date:** Mon, 4 Apr 2016 18:01:17 +0000  
**Importance:** Normal  
**Attachments:** POST\_OFFICE\_LTD\_REVIEW\_DOCUMENT\_[2]v.4-  
POST\_OFFICE\_LTD\_REVIEW\_DOCUMENT\_[....].pdf  
**Inline-Images:** image001.png

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Brian,

Thank you for your emails, and many apologies for making you chase an acknowledgement. I was out of the office for most of the past two weeks with limited access to my emails, and returned today only to be frozen out of our IT system.

Excuses made, thank you for setting out your initial thoughts, which are very helpful and from which I see we are still in the position of "proving the negative", or rather looking to demonstrate the absence of an alleged issue, i.e. that there wasn't a practice or policy of indicting theft with insufficient evidence (Issue 1), and that there isn't an issue with balancing transactions which needs to be disclosed (Issue 2).

With respect to Issue 1, it is clear from your email that some form of review is necessary, not just to satisfy Jonathan Swift's test of there being no further action that can reasonably now be taken, but more importantly also to satisfy ourselves as to whether Post Office manipulated and abused its position as prosecutor. The challenge to me therefore will be formulating an appropriate scope for the review, including deciding which cases need to be looked at.

As for Issue 2, I entirely accept that you cannot advise on whether or what to disclose unless and until we know we have "a real problem". In that regard, we have commissioned Deloitte to look further into the balancing transaction and "sealed basket" issues in order to address Jonathan Swift's recommendations 4 and 5, and it may therefore be sensible to park this issue until Deloitte's work is further progressed.

In terms of taking this forward, I would be grateful if you and I could put our heads together on the phone to talk through the types of issue we would want to cover in a review before more formally meeting with our General Counsel and/or providing written advice. I am in the office all week and barring any issues with my phone (touch wood) can be reached on [REDACTED] GRO [REDACTED] if you'd like to try me at a time convenient for you.

Finally, thank you for pointing out the inadvertent disclosure to Jonathan Swift of a draft rather than final version of your review document. Having compared the two versions, I do not think that anything changed between versions which would have been material to Jonathan's findings and recommendations, but will as requested and for the sake of good order provide the final version to Jonathan, noting that this error was ours alone. I also attach for your consideration the comparison document, which picks out some format changes as well as those to the text. Please let me know if there is anything between the versions which you would like to draw specifically to Jonathan's attention.

With thanks for your support, Rodric

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**From:** Brian Altman [mailto:[REDACTED] GRO [REDACTED]]  
**Sent:** 04 April 2016 10:01  
**To:** Rodric Williams  
**Cc:** gavin.matthews [REDACTED] GRO [REDACTED]  
**Subject:** Re: Message for John Grimmer re: Instructions for Brian Altman QC

Dear Rodric

I hope you don't mind me checking whether you received the email below I sent you on 20 March? I am becoming a little concerned that a couple of weeks have now passed yet I've not heard from you.

I await your further instructions.

Best wishes,

Brian

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**From:** Brian Altman  
**Sent:** 20 March 2016 09:01  
**To:** Rodric Williams  
**Cc:** [gavin.matthews@2bedfordrow.co.uk](mailto:gavin.matthews@2bedfordrow.co.uk) GRO  
**Subject:** Re: Message for John Grimmer re: Instructions for Brian Altman QC

Dear Rodric,

I have now been through the instructions and the file contents, and, as asked, am contacting you first with a view to agreeing the way forward.

Can I though in short let you know how my mind is working?

**Issue 1 - the theft/false accounting issue**

The recommendation, as formulated, suggests to me that the only solution would be to proceed to a review of all such affected cases. This is because the recommendation is predicated on the basis that "(b) there had not been a sufficient evidential basis to bring the theft charge".

This second limb to the recommendation is such that I could not advise other than to move to a review. This is because it could never have been appropriate, adopting the Code for Crown Prosecutors, to add a theft charge with no evidence of theft only to secure a plea to false accounting.

The suggestion has been that, through CK, POL indicted theft charges without any evidential basis solely to encourage and secure pleas of guilty to "lesser" false accounting charges. The underlying allegation is that POL has manipulated its position as prosecutor as to amount to an abuse of the process.

The safety of a conviction based even on a plea of guilty might be undermined by a serious abuse of the process. There is, for example, authority that material non-disclosure might lead to the finding of an abuse even where the defendant had pleaded guilty. This is because the defendant has, by the non-disclosure, been deprived of the opportunity to deploy an argument to stay the indictment. So too here, if there was undisclosed evidence of a deliberate 'practice' to do as is alleged (which is what is being said) then that could lead to finding of abuse.

Any review would have to be by me alone (rather than one conducted by CK and supervised by me as suggested by Swift (para 109)) because it is CK's decision-making which is under the spotlight.

**Issue 2 - Balancing transactions**

I note that this issue has been disclosed to the CCRC. So my remit is solely to advise on its disclosure to "defendants of criminal prosecutions".

I am unclear whether what they mean is defendants in all future and/or all past POL prosecutions? I suspect both.

Be that as it may, their recommendations in para 149(4) and (5) suggest to me that my advising now is to put the cart before the horse. This is because unless and until we know we have a real problem, what is it we are to disclose, other than a highly speculative possibility?

My fear is that wholesale disclosure might lead to unjustifiable, new claims being made of third party tampering.

No one can claim that POL is concealing anything because voluntary disclosure has been made to the CCRC who can investigate as they wish.

There is also inevitably a degree of overlap to the extent to which the recommendation includes those convicted in the past in POL prosecutions. Is it envisaged we might disclose to every convicted person even though the CCRC is now seized of the issue?

I have not put any thoughts into any formal Opinion document yet, but, as instructed, we can first meet and discuss. Realistically it will have to be some time shortly after Easter.

**Post-script**

On going through the Swift report, I have noticed that they have been given the wrong version of my 'POL as Prosecutor' review. The date they have is 31/10/13 (which was v.4, and had a 'draft' watermark in it) (see their para 111) but my final review document (v.5) is dated 19/12/13, and is attached.



If I am right about the versions, they should be provided with the final version, as it will have been added to, and corrected past errors, to see if it changes anything. I have not myself audited the differences.

Kinds regards,

Brian

**Brian Altman QC**

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**From:** Rodric Williams <[GRO](mailto:GRO)>

**Sent:** 29 February 2016 23:13

**To:** Brian Altman

**Cc:** [gavin.matthews@GRO](mailto:gavin.matthews@GRO)

**Subject:** RE: Message for John Grimmer re: Instructions for Brian Altman QC

Thanks Brian.

We are quite prepared to wait until you have concluded your current trial before you turn to our instructions, and we have set internal expectations accordingly. The only reason for sending you the papers now is so that (a) you have them when you are ready to turn to them; and (b) they are off my desk!

With best wishes for the critical phase of the trial, Rodric

Sent from my Windows Phone

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**From:** [Brian Altman](mailto:baltman@GRO)

**Sent:** 29/02/2016 17:38

**To:** [Rodric Williams](mailto:Rodric Williams)

**Cc:** [gavin.matthews@GRO](mailto:gavin.matthews@GRO)

**Subject:** Re: Message for John Grimmer re: Instructions for Brian Altman QC

Dear Rodric

I understand the file has come into chambers today for which I thank you.

I think however it is only right I tell you that I don't realistically anticipate getting to look at it all properly for around about 2 weeks or so; worse case scenario possibly around Easter.

I am sorry about that but as you know I am deep into my terrorism case which is presently at the most difficult and time-consuming stage for me - defence cases (with defendants to cross-examine over several days) and then writing and delivering a speech, all of which unhappily is occupying all my time at the moment and will do so for the next couple of weeks.

I hope you'll be patient with me.

Regards,

Brian

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**From:** Rodric Williams <[GRO](mailto:GRO)>

**Sent:** 18 February 2016 13:09

**To:** Clerks

Cc: Brian Altman; Matthews, Gavin (GRO)

Subject: Message for John Grimmer re: Instructions for Brian Altman QC

John,

As discussed, please find attached instructions for Bran Altman QC. The instructions need to be read with a number of documents, and I would be grateful if you or Brian could please give me a call to work out how best to deliver these for Brian's review.

With thanks and kind regards, Rodric



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