

**In the Guildford Crown Court**

**R**

**V**

**Seema Misra**

---

**Third Request For Disclosure**

---

This request for disclosure is made as a result of the order made by HHJ Critchlow on 01/02/10 at Guildford Crown Court. At the time of raising these requests the Defence is not in receipt of all the documentation sought. Further requests may therefore be made depending on the content of that documentation and to satisfactory answers being given hereto.

Numbering follows that used by the Defence in the request dated 30/11/09 and adopted by the Prosecution in their reply dated 27/01/10.

**Contract**

- 1) We acknowledge receipt of a copy of the Sub-Postmaster's contract. This appears to be a standard contract issued in 1999 with various pages having been updated. Please provide proof that the Defendant was provided with a contract in the exact form now served on us.
- 2) The Post Office case has always been that the Horizon system is robust and does not have any problems. If there are sub-postmasters who have had losses on the Horizon system, but have not been prosecuted for theft and false accounting, this would tend to suggest an acceptance by the Post Office that problems can exist, a situation which is borne out by the immediate recognition of Callender Place, Falkirk by a Fujitsu analyst as referred to in paragraph 23 of the Castleton judgment. This information would, therefore, potentially undermine the prosecution case and/or assist the defence case. **Please comply with the request.**

**Training**

- 1) We asked for a copy of the training manual supplied to our client. We did not ask for an appointment to inspect documents at West Byfleet. **Please comply with the request.**
- 2) We did not ask for details of documents currently available in West Byfleet. We asked for the date(s) on which the manual, or parts thereof, were supplied to our client. **Please comply with the request.**

- 3) We have been supplied with copies of 12 pages of training records served with your response. These appear to be incomplete documents with gaps appearing in the middle and wording on both sides being cut off. In light of your response and the contents of Phil Taylor's email of 29/01/10 confirming that there are no other training documents, please confirm that you have complied with this request in full.
- 4) Noted.
- 5) Noted together with email response of 29/01/10. Michael Opebeyi's ability to recall that no issues were raised over cash or stock loss yet at the same time not remembering the training given is a matter of evidence. Please provide a witness statement from him to this effect.
- 6)
  - a) We repeat our non-acceptance that the calls were of a routine nature. We asked for a copy of the log of all the calls made for a period from 6 months prior to our client taking over to the present day – the additional time limit either side to allow for comparison with calls made before and after our client's tenure as sub-postmistress. You have supplied us with a Fujitsu employee's overview of the calls made. **Please comply with the request.**
  - b) The calls referred to in Andrew Dunk's statement make reference to issues with touch screens requiring recalibration, problems with the network, printer and pin terminal and the number of times the system requires re-booting. In light of Dunk's assertions that all the calls from West Byfleet are of a routine nature, we assume similar calls are frequently received from other Post Offices. Please confirm that this is the case. If not, please provide an explanation as to why these calls are deemed to be of a routine nature, which appears to be the basis on which you have failed to date to provide us with the call logs.
- 7) The wording of this answer would suggest that the word "it" is used to refer to "identification of lost EPOSS transactions".
  - a) Please confirm that the Post Office accepts that there are circumstances in which EPOSS transactions can get lost.
  - b) We did not ask whether this subject was covered on the course. We asked if there had been **any** training on the subject and, if so, when it was provided to our client. **Please comply with the request.**
  - c) Your answer to this question ("It is not covered on the course so that people do not try to correct it themselves") would suggest that you do not wish sub post masters to receive training in this area. In 2000 training was provided by way of a disc which we have supplied to our Expert but has never been seen by our client prior to these proceedings. Subsection 14 deals with a process for identifying lost EPOSS transactions, the implication being that these transactions can be lost due to equipment failure. Please explain why, not only do you give the impression that no training has taken place

but, you have declined to inform us of the existence of this training disc.

- 8) We repeat our answer to question 2 under the heading Contract above. The Post Office case has always been that the Horizon system is robust and does not have any problems. If there are sub-postmasters who have had losses on the Horizon system but have not been prosecuted for theft and false accounting this would tend to suggest an acceptance by the Post Office that problems can exist which is borne out by the immediate recognition of Callender Place, Falkirk as referred to in paragraph 23 of the Castleton judgment. This information would therefore potentially undermine the prosecution case and/or assist the defence case. **Please comply with the request.**
- 9) We stand by our position. John Longman's explanation should be placed in a witness statement so that it can be dealt with in cross-examination.
- 10) We repeat the second half of this request. Given the investigator's lack of understanding of the system and his reliance on counter clerks who, by your own view, can be of questionable quality, what back-up teams does the Post Office have to ensure all reasonable explanations are considered before a criminal investigation is commenced? **Please comply with the request.**
- 11)
  - a) As long ago as the first interim report from our expert, served 01/10/09, reference was made to the need to examine data records. There has been a persistent failure to provide responses to this issue, save to make reference to the amount of work and cost involved. In an attempt to make progress on this issue, we raised a separate request asking for details of the cost and work involved in order to evaluate the situation. Far from providing this information, you have simply repeated the assertion that "we do not understand how your expert will be assisted by being presented with a mountain of data covering 5 years". We did not ask for your opinion on how any exercise in examining data would assist our Expert. We asked you to provide details as to the work involved in allowing our Expert to have access to the service logs and why the cost is so high. **Please comply with the request.**
  - b) In view of that fact that the cost and work involved was an issue raised by you, we assume you are aware of that which is involved. Please explain why, having raised the issue, you have not responded to our request.
- 12) We asked for details of the business testing carried out on Horizon not for an adjective describing its quality. **Please comply with the request.**
- 13) The purpose behind this request was that in interview the Defendant was told the loss exceeded £79000. However, by the time the incoming temporary post master did an audit/check, it had reduced to a figure exceeding £77000. Please explain the discrepancy.
- 14)

- a. Whilst it is interesting to know who completed the exchanges of hardware, we did not ask for this information. We asked for details of when and why changes took place at West Byfleet. **Please comply with the request.**
  - b. Noted
  - c. Bearing in mind queries raised herein with regard to issues relating to touch screens, rebooting and network, printer and pin terminal and the failure so far to allow examination of data records, this question remains to be answered in full. **Please comply with the request.**
- 
- 15) Substantial disclosure has been properly requested in relation to Highcliffe Post Office supported by the service of a s9 statement. No information has been supplied to date. **Please comply with the request.**
  - 16) The response demonstrates the Post Office's automatic assumption that deficit's are as a result of criminal offences. We are referring to not taking any civil action under the contract in light of the post master having allowed us access. **Please reconsider the request to assist the Defence with the preparation of their case.**
  - 17) "Noted" is not a proper response to this question. **Please comply with the request.**
  - 18) The comparison of the two answers given to this requests gives rise to the assumption that there are matters to be disclosed in R v Hosi. **Please comply with the request.**
  - 19) We repeat the comments made above. The Post Office case has always been that the Horizon system is robust and does not have any problems. If there are sub-postmasters who have had losses on the Horizon system but have not been prosecuted for theft and false accounting this would tend to suggest an acceptance by the Post Office that problems can exist, a situation which is borne out by the immediate recognition of Callender Place, Falkirk by a Fujitsu analyst as referred to in paragraph 23 of the Castleton judgment. This information would therefore potentially undermine the prosecution case and/or assist the defence case. **Please comply with the request.**
  - 20) Please provide full disclosure of the problems with the Horizon system that were acknowledged to exist in Callender Square, Falkirk as referred to in paragraph 23 of the Castleton judgment.
  - 21) Please provide full documentary evidence supporting and explaining how the error notices, now served, on us have arisen.