

# Memo

**The Real Network**

Legal Services  
3<sup>rd</sup> Floor  
6a Eccleston Street  
Victoria  
LONDON SW1W 9LT

Tel: 6  
Fax: 6  
Postline: GRO  
www.royalmail.com

2<sup>nd</sup> March 2010

Post Office Security

c.c. Christopher Knight  
Graham Ward  
Press Office

**REGINA v SCOTT RICHARD DARLINGTON**  
**CASE NO: 0809/0208**

The above named Defendant having pleaded Guilty to all 5 counts of false accounting at Chester Crown Court on the 1<sup>st</sup> February 2010. He attended Chester Crown Court for Sentence on the 23<sup>rd</sup> February 2010. The prosecution was conducted by Deborah White and the Defendant was also represented and the case was heard by His Honour Judge Dulton.

On hearing the facts of the case His Honour Judge Dulton enquired whether there was an actual loss or whether the missing funds were the result of a "glitch" in Royal Mail systems. Counsel for the Defence maintained that he had pleaded on the basis that although there was a shortfall Mr Darlington was not responsible for it and had merely covered it up. Prosecution Counsel requested a Newton Hearing to address the issue however having considered the request His Honour Judge refused the adjournment that the expense of the delay of further investigation was unjustifiable and that he proposed to proceed on the basis most favourable for the Defendant. As a result Mr Darlington was sentenced on the basis that no money was missing and His Honour Judge sentenced as follows:-

	CHARGE	SENTENCE
1	On or about the 21 <sup>st</sup> day of August 2008 dishonestly and with a view to gain for yourself falsified an account namely the Final Branch Trading Account for Alderley Edge Post Office for the period ending 21 <sup>st</sup> August 2008 by making an entry therein purporting to show that the amount of cash in hand was greater than the true figure (Contrary to Section 17(1) of the Theft Act 1968)	3 months Custodial Sentence suspended for a period of 12 months. The Defendant was also ordered to undertake 120 hours unpaid work.
2	On or about the 16 <sup>th</sup> day of October 2008 dishonestly and with a view to gain for yourself falsified an account namely the Final Branch Trading Account for Alderley Edge Post Office for the period ending 16 <sup>th</sup> October 2008 by making an entry therein purporting to show that the amount of cash in hand was greater than the true figure (Contrary to Section 17(1) of the Theft Act 1968)	
3	On or about the 19 <sup>th</sup> day of November 2008	

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	dishonestly and with a view to gain for yourself falsified an account namely the Final Branch Trading Account for Alderley Edge Post Office for the period ending 19 <sup>th</sup> November 2008 by making an entry therein purporting to show that the amount of cash in hand was greater than the true figure (Contrary to Section 17(1) of the Theft Act 1968)	
4	On or about the 17 <sup>th</sup> day of December 2008 dishonestly and with a view to gain for yourself falsified an account namely the Final Branch Trading Account for Alderley Edge Post Office for the period ending 17 <sup>th</sup> December 2008 by making an entry therein purporting to show that the amount of cash in hand was greater than the true figure (Contrary to Section 17(1) of the Theft Act 1968)	
5	On or about the 14 <sup>th</sup> day of January 2009 dishonestly and with a view to gain for yourself falsified an account namely the Final Branch Trading Account for Alderley Edge Post Office for the period ending 14 <sup>th</sup> January 2009 by making an entry therein purporting to show that the amount of cash in hand was greater than the true figure (Contrary to Section 17(1) of the Theft Act 1968)	

The Defendant was also ordered to make a contribution towards prosecution costs in the sum of £410.10 payable at a rate of £10 per week, the first payment to be made by the 19<sup>th</sup> March 2010.

Following the Sentence the Judge addressed the issue of Proceeds of Crime Act timetable and made the following Orders:-

- 1 Royal Mail must within 14 days indicate to both the Court and the Defence whether this is a particular criminal conduct case which would not necessitate the detailed response described in Royal Mail's Prosecutors Statement.
- 2 The Defence to serve Defence Statement within 28 days (23<sup>rd</sup> March 2010).
- 3 The Prosecution to respond within a further 28 days (19<sup>th</sup> April 2010).
- 4 The Defence to respond by 4<sup>th</sup> May 2010.

Mention hearing fixed for 14<sup>th</sup> May 2010.

I have had representation from the Defence Solicitors and they will raise that the question of lifestyle at this stage is not appropriate as a request for information

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from the Defendant by the Prosecution under Section 18 of the Act as such information would not be necessary for particular conduct case where there is an identifiable benefit and the available amount in the same sum is held under POCA Restraint. They have also pointed out that this will mean more costs from the Legal Aid funds if we are to investigate into the Defendant's finances for the past 6 years. They also put in authority where considering the question of lifestyle / particular conduct in the light of the Court of Appeal Rulings in R v Shabir where it was held an abuse of the Court process to attempt to use lifestyle provision inappropriately.

They have also asked to re-consider whether the recovery of money from the Defendant is properly a matter that should be pursued by POCA in the Crown Court or in the form of a civil action in the County Court.

Could you please let me have your response by return as I need to write to the Defence and the Court by Friday 5<sup>th</sup> March 2010.

If you wish to discuss any aspect of the above please do not hesitate to contact me.

Jarnail Singh  
Senior Lawyer  
Criminal Law Division

jarnail.singh: GRO

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