

**Witness Name: Kenneth William Donnelly**

**Statement No.: WITN10510200**

**Dated: 15 January 2024**

## POST OFFICE HORIZON IT INQUIRY

### SECOND WITNESS STATEMENT OF **KENNETH WILLIAM DONNELLY**

1. I am the Deputy Crown Agent for Specialist Casework at the Crown Office and Procurator Fiscal Service. This second witness statement to the Post Office Horizon IT Inquiry seeks to clarify and correct an inaccuracy in my first statement to the Inquiry dated 29 November 2023.
2. In my first statement, at paragraph 46, I stated that *“on 5 September 2013 a meeting took place between POL, BTO, CK and Crown Office Policy Division officials at Crown Office, Edinburgh. CK Senior Counsel, Simon Clarke, was in attendance. At the meeting BTO explained that it had carried out a review of all live Scottish cases and had determined that the Horizon system defects identified in the ‘Second Sight’ and ‘Helen Rose’ reports did not play a part in any live Scottish cases save for one.”* The final part of this passage is incorrect.
3. At the meeting of 5 September 2013, BTO explained to COPFS that the review of live Scottish cases had determined that the defects identified in the ‘Second Sight’ and ‘Helen Rose’ reports did not play a part in any live Scottish cases.
4. It is not the case that BTO advised COPFS that one case had been reviewed and the defects identified in the two reports had been determined to *“play a part”* in the case.

5. The single case identified by BTO had been determined to be a 'Type B' case. It is not the position system defects identified in the in the 'Second Sight' and 'Helen Rose' reports impacted this case.
  
6. I believe the content of this statement to be true.

SIGNED

**GRO**

KENNETH WILLIAM DONNELLY

DEPUTY CROWN AGENT, SPECIALIST CASEWORK

CROWN OFFICE AND PROCURATOR FISCAL SERVICE

15 January 2024