

IN THE NEWCASTLE MAGISTRATES COURT

REGINA

-v-

KIM ELIZABETH WYLIE

ADVICE ON EVIDENCE

1. This defendant is accused of stealing some £38,000 from Winlaton Post Office where she was sub postmistress. The facts are set out in my initial advice of 28th October 2010. In interview she attempted to blame the shortfall on the Horizon accounting system. In my early advice I advised that we would need to prove the integrity of the Horizon system as there was apocryphal evidence on the internet and elsewhere that the system was leading to injustice.
2. The position of Post Office Ltd has, up until now, always been robust. When the system has been challenged in the criminal courts the system has always been successfully defended. I understand that the Post Office has announced that it has appointed independent forensic accountants, 2nd Sight Ltd, to conduct an independent review of 10 cases based on the Horizon System. Whether this announcement was well considered or not is not an area that I intend to address but the bell cannot be unrung and there will be consequences that will have to be dealt with.
3. The first consequence is that we have now given ammunition to those attempting to discredit the Horizon system. The argument will be that there is no smoke without fire and we would not have needed to audit a bomb proof system. We can expect this to go viral in that any competent defence solicitor advising in a case such as

this will raise the integrity of the Horizon system and put us to proof as to its integrity. As all of our cases depend on the system to compute the alleged losses this is likely to affect a considerable percentage of our cases.

4. The extra evidence which we will be obliged to gather will be as nothing in comparison to the potential disclosure problems that we may face. Until the 2nd Sight investigation is concluded we will be in a limbo. It is essential that this enquiry is completed as soon as possible and we can live by its findings. We will have to find out when this enquiry will report in order that we can choose our strategy. If it is a matter of weeks then cases can be put over until after it reports. If we are talking months then the courts will not wear such delays.
5. I assume that we still contend that the system is fool proof in which case we should defend it aggressively. I understand that the manufacturers have not been helpful up until now. My understanding is that they will not provide expert evidence without large fees being sought. This will not do. If the integrity of the system is compromised then the consequences will be catastrophic for all of us including them. The financial consequences of convictions and confiscation orders being overturned and confidence in the Post Office book keeping being restored for future prosecutions will be astronomical. They should be made to understand that this is a firefighting situation and its not just our house that would be burned down if the system were compromised.
6. In my view we should attend to the following:
 - (i) We should identify the contested cases, civil and criminal, in which the Horizon system has been challenged. We should identify the areas of challenge and how we neutralised them. Any expert reports should be

retained for evaluation. An expert should be identified and instructed to prepare a generic statement which confirms the integrity of the system and why the attacks so far have been unfounded. This expert should be deployed in all cases where the Horizon system is challenged and he should be prepared to be called to reply to defence experts on a case by case basis.

- (ii) The material gathered should be monitored and added to on a case by case basis for disclosure. It would be sensible to have a nominated individual in charge to whom the case officers can come. There is little point in weaving a web without having a spider in it.
- (iii) We should ascertain why we have decided to instruct 2nd sight Ltd. I presume that it was not because of any doubt that we had in our system. If so we should be robust in stating that that is so. I presume our thinking was that as we have nothing to hide we have no objection to our practices being scrutinised in which case we should say so.

- 7. I can appreciate that the above might be expensive but it will be as nothing should the integrity of the Horizon system be compromised.
- 8. Please do not hesitate to get in touch if I can be of further assistance.

11th July 2012

H. M . M. Bowyer

Cartwright King