

Witness Name: Marion Holmes  
Statement No.: WITN0309\_02  
Exhibits: One  
Dated: 8 March 2022

**IN THE POST OFFICE HORIZON IT INQUIRY**

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**SECOND WITNESS STATEMENT OF MARION HOLMES**

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I, MARION HOLMES, make the following SECOND STATEMENT.

1. As detailed in my First Statement, I am the widow of Mr Peter Holmes.
2. Shown to me now is a true copy of a three-page letter my husband, Peter Holmes, wrote and sent to the Post Office on the 13 June 1999.
3. The letter sets out Peter's grave concerns regarding the Horizon System, the training provided to subpostmasters and post office managers; in particular in relation to Peter's concerns regarding the lack of training on balancing the system and the difficulties he was experiencing in balancing the system. 10 years after writing this letter Peter was convicted of false accounting. On the 23 of April 2021, the Court of Appeal (Hamilton & Others [2021] EWCA Crim 577) posthumously quashed my husband's conviction. The Court found:

*Peter Holmes (deceased)*

*226. The appeal of Peter Holmes is brought posthumously by his widow Mrs Marion Holmes. On 22 December 2009, in the Crown Court at Newcastle upon Tyne, Mr Holmes pleaded guilty to four counts of false accounting, asking for nine similar offences to be taken into consideration. He was acquitted of theft by direction of the judge. We understand that the alleged shortfall was £46,049. On 29 January 2010, he received a community sentence order with a three-month curfew.*

*227. Mr Holmes was employed for over 13 years as an SPM at Jesmond Sub Post Office and had served as a police officer for 12 years prior to this. In*

*interview, he had said that he had no idea why there was a discrepancy unless "it's the Horizon that has let us down". He denied theft but accepted that he had been covering up the shortfall. The defence statement accepted false accounting but denied theft. It repeated that he believed Horizon was at fault and had created the shortfall. He also complained about the adequacy of the investigation. He raised a complaint about the training provided when Horizon was introduced.*

*228. The prosecution relied upon three receipts for cash deposits, a transaction log, the branch trading statements, cash declarations and "variance checks" – all produced by Horizon.*

*229. POL accepts that this was an unexplained shortfall case and that evidence from Horizon was essential to Mr Holmes' case. ARQ data was obtained but it is not clear whether it was disclosed. It appears there was no evidence to corroborate the Horizon evidence. There was no investigation into the integrity of the Horizon figures. There was no proof of an actual loss as opposed to a Horizon-generated shortfall. There was possible evidence of dishonesty relating to cash declaration. POL accepts, however, that that did not obviate the need for proving an actual loss.*

*230. POL concedes only that Mr Holmes' prosecution was unfair (Ground 1) but we are bound to conclude that his prosecution was in addition an affront to justice (Ground 2). The public interest requires us to mark this latter conclusion. We do so by allowing his appeal both on Ground 1 and on Ground 2. His convictions are unsafe. Notwithstanding his guilty pleas, we quash his convictions on all four counts. We repeat the condolences that we expressed at the hearing to Mrs Holmes.*

4. It will be seen that the matters the Court relied upon to quashed Peter's conviction were the same, or strikingly similar to the matters raised by Peter in his letter to the Post Office on 13 June 1999.

#### **STATEMENT OF TRUTH**

I believe the content of this statement to be true.

Signed: \_\_\_\_\_

**GRO**

Dated: 8 March 2022

**Marion Holmes**