Neutral Citation Number: [2022] EWCA Crim 435

Case No: 202103820 B3 & 202101821 B3

IN THE COURT OF APPEAL (CRIMINAL DIVISION)
ON APPEAL FROM:
THE CROWN COURT AT WOOD GREEN and OXFORD

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 31 March 2022

Before:

LORD JUSTICE HOLROYDE
MR JUSTICE PICKEN
and
MRS JUSTICE FARBEY

- -

Between:

MARGARET WHITE	**Applicants**
DAVID CAMERON	
- and -	
POST OFFICE LIMITED	**Respondent**

- -

L Orrett (instructed by **Edward Fail Bradshaw & Waterson**) for **the applicant Margaret White**
Ms K O'Raghallaigh instructed by **Hudgell Solicitors** for **the applicant David Cameron**
S Baker QC, Miss J Carey QC and Miss C Brewer (instructed by **Post Office Limited**) for the **Respondent**

Hearing date: 22nd March, 2022

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Approved Judgment

This judgment was handed down remotely at 11:00 on 31 March 2022 by circulation to the parties or their representatives by email and by release to BAILII and the National Archives.

Lord Justice Holroyde:

1. Mrs Margaret White was formerly the manager of the Banbury Road sub-Post Office in Oxford. Mr David Cameron was formerly the manager of the Englands Lane Post Office in Hampstead, London. Many years ago, each of them was prosecuted by Post Office Limited or its predecessor ("POL"), and was convicted of offences of dishonesty. Mrs White pleaded guilty to two offences of false accounting, and was sentenced to a total of 51 weeks' imprisonment, suspended for 2 years, with requirements to carry out unpaid work and be subject to supervision. Mr Cameron was convicted of ten offences of theft, and was sentenced to a total of 9 months' imprisonment, suspended for 18 months, with a requirement to carry out unpaid work. Each of them has applied for a very long extension of time to apply for leave to appeal against their convictions. At a hearing on 22 March 2022 this court allowed the application in the case of Mrs White, granted leave to appeal, allowed the appeal and quashed her convictions. We indicated that we would give the reasons for our decision at a later date, and this we now do. In the case of Mr Cameron, we reserved our decision, which we now give.

2. We express at the outset our grateful thanks to all counsel, solicitors and others who have been involved in the preparation and presentation of these appeals. The care and thoroughness with which they have done so has been of great assistance to the court.

3. As is well known, a large number of appeals to this court have recently been brought by persons who formerly worked as sub-postmasters, sub-postmistresses or managers of post offices (collectively, "SPMs"). The applicants in those cases contended that their convictions were unsafe for reasons relating to the reliability of the computerised accounting system, "Horizon", which was at all material times used by POL. This constitution has given judgments in cases published as *R v Josephine Hamilton and others* [2021] EWCA Crim 577, *R v Ambrose and others* [2021] EWCA Crim 1443, and *R v Allen and others* [2021] EWCA Crim 1874.

4. In those judgments, we considered the issues which had arisen as to the reliability of a computerised accounting system, "Horizon", which was in use in the relevant branch post offices during the relevant period. We referred to two of the judgments given by Mr Justice Fraser in civil proceedings brought in the High Court by claimants representing hundreds of SPMs. Amongst other passages, we quoted from paragraph 968 of his "Horizon Issues" judgment, [2019] EWHC 3408 (QB), in which he found that it was possible for bugs, errors or defects in Horizon to have the potential both to cause apparent shortfalls relating to SPMs' branch accounts or transactions, and also to undermine the reliability of Horizon accurately to process and record transactions. We explained why in law a guilty plea was not necessarily a bar to a successful appeal against conviction. We reflected on the legal principles applicable to the two grounds of appeal which the appellants had advanced, namely that their prosecutions should have been stayed as an abuse of the process of the court because (1) the reliability of Horizon data was essential to the prosecution and, in the light of all the evidence including Fraser J's findings in the High Court, it was not possible for the trial process to be fair ("category 1 abuse"); and (2) the evidence, together with Fraser J's findings, showed that it was an affront to the public conscience for those appellants to face prosecution ("category 2 abuse").

5. We have consistently used, and will continue to use, the shorthand term "Horizon case" to refer to a case in which the reliability of Horizon data was essential to the prosecution because there was no evidence of the alleged shortfall other than the balance shown by Horizon, and in which there was no independent evidence of an actual loss from the branch account at the post office concerned, as opposed to a Horizon-generated shortfall.

6. As we have explained in previous judgments, the significant problems with Horizon gave rise to a material risk that an apparent shortfall in the accounts of a branch post office did not in fact reflect missing cash or stock, but was caused by one of the bugs, errors or defects which (as Fraser J had found) existed in Horizon. It is that exceptional feature which has given rise to arguable grounds for appellants to seek the exceptional remedy of a stay on grounds of abuse, and has provided a basis for concluding that it would be in the interests of justice to grant a very long extension of time. It is that exceptional feature which has led the court to allow many of the previous appeals.

7. Thus the Horizon cases in which appeals have been allowed by this court were cases in which the Horizon data was essential to the prosecution because (as we said at paragraph 123 of our judgment in *Hamilton*) –

> "… the whole basis of each prosecution was that money was missing from the branch account: there was an actual shortfall, which had been caused by theft on the part of the SPM, or at best had been covered up by false accounting or fraud on the part of the SPM. But in the "Horizon cases", there was no evidence of a shortfall other than the Horizon data. If the Horizon data was not reliable, there was no basis for the prosecution. The failures of investigation and disclosure prevented the appellants from challenging, or challenging effectively, the reliability of the data."

8. We do not think it necessary to reiterate in this judgment all that was said in our previous judgments about the issues relating to the reliability of Horizon or the failures of investigation and disclosure on the part of POL. We do however quote a passage from paragraph 137 of our judgment in *Hamilton* which explains why the failures of disclosure and investigation in Horizon cases were important in relation to both categories of abuse:

> "By representing Horizon as reliable, and refusing to countenance any suggestion to the contrary, POL effectively sought to reverse the burden of proof: it treated what was no more than a shortfall shown by an unreliable accounting system as an incontrovertible loss, and proceeded as if it were for the accused to prove that no such loss had occurred. Denied any disclosure of material capable of undermining the prosecution case, defendants were inevitably unable to discharge that improper burden. As each prosecution proceeded to its successful conclusion the asserted reliability of Horizon was, on the face of it, reinforced. Defendants were prosecuted, convicted and sentenced on the basis that the Horizon data must be correct,

> and cash must therefore be missing, when in fact there could be no confidence as to that foundation."

9. In the cases which have come before the court thus far, the unexplained shortfall has invariably been a shortfall in the branch account rather than in any account relating to an individual customer of the post office. Where there is other evidence of the shortfall, which is therefore not an unexplained shortfall (for example, because there is evidence pointing clearly to theft by the SPM concerned) the position is very different. There might of course be other arguable grounds of appeal; but the case cannot be treated as a Horizon case, and the need to apply for a long extension of time may well prove a very difficult hurdle for an appellant to surmount. In our previous judgments we have explained why a number of appeals failed in circumstances where we were satisfied that the case in question was not a Horizon case and the convictions were not unsafe.

10. We therefore emphasise that an appeal by a convicted SPM will only be a Horizon case if the Horizon data was <u>essential</u> to the prosecution in the way we have explained. Given that Horizon, once introduced into a branch, was the accounting system for that branch, it is of course inevitable that Horizon data formed part of the prosecution evidence in very many cases of alleged dishonesty by a SPM. But the mere fact that such evidence was adduced does not make it a Horizon case as that shorthand term is used in these appeals, because the Horizon data may not have been essential to the prosecution case. Nor does it mean that in every case in which Horizon data formed part of the prosecution case, the proceedings should necessarily have been stayed as an abuse of the process. A stay on grounds of abuse of process is always an exceptional remedy. Whenever that remedy is sought in a case of this kind, a fact-specific decision will be required as to whether Horizon evidence was essential to the prosecution. In Mr Cameron's case, as will be seen, that was the central issue in the appeal.

11. It is also important to emphasise the principle that a conviction remains valid unless and until it is quashed on appeal, and that it is therefore for an appellant to establish the grounds on which it is argued that this court should (in the words of section 2(1) of the Criminal Appeal Act 1968) "think that the conviction is unsafe". In the present context, this means that an applicant seeking an extension of time to apply for leave to appeal against conviction must (amongst other things) put forward an arguable basis on which the court could properly find it to be a Horizon case. For that reason, we have previously made clear, and we reiterate, that it is insufficient for a would-be appellant merely to assert a belief that Horizon was in some way relevant to the prosecution case. A bald assertion of that nature cannot be a sufficient basis for the court, however sympathetic to the personal circumstances of the applicant, to grant an extension of time and leave to appeal.

12. Does that same principle apply if the convicted person on whose behalf the application is brought has sadly died in the years since his or her conviction? That question does not arise in the cases of Mrs White and Mr Cameron, but it did arise in another case which was initially listed to be heard at the same time but was subsequently abandoned. We have previously considered several appeals brought on behalf of deceased former SPMs, and we understand that there may be applications pending in relation to others. We were therefore invited by counsel on both sides to consider whether we could give some general guidance, albeit *obiter*.

13. Given that the specific case to which we refer is no longer before the court, there is a limit to what we think it right to say. Nonetheless, having been assisted by at least initial submissions on the question, we think it is appropriate to express our view, in the hope that it will be of assistance to those advising in other cases.

14. An obvious concern is that in some circumstances the application of the usual principle to an appeal brought on behalf of a deceased person might appear to give rise to unfairness. The concern can be briefly encapsulated. It is only comparatively recently that the reliability of Horizon has been seriously challenged, and evidence in other cases has shown that some defendants were actively discouraged from challenging it at the time of their prosecution. A living appellant is able, in an appropriate case, to explain why he or she believed at the time, and still believes, that Horizon was responsible for apparent shortfalls, even if that issue was not raised in the criminal proceedings at the time. Such an appellant can therefore apply to adduce his or her own evidence as fresh evidence pursuant to section 23 of the Criminal Appeal Act 1968. Those bringing appeals on behalf of deceased persons may not be able to put forward any comparable evidence; or may only be able to do so by seeking to adduce as fresh evidence information from others, for example former legal representatives or persons who are able to give hearsay evidence as to views expressed by the deceased; or may only be able to invite the court to draw inferences from such contemporaneous documentation as is still available. They might in that way be able to establish arguable grounds of appeal; but they might not.

15. We recognise that concern, and we are of course sympathetic to the families of deceased former SPMs who feel that an appeal should be heard. It is nonetheless our view that the usual principles must apply equally in all cases. It is therefore necessary for those seeking to bring an appeal to put forward arguable grounds, and for any application to adduce fresh evidence to be considered in accordance with the familiar criteria in section 23 of the 1968 Act. If arguable grounds cannot be shown, this court cannot grant leave to appeal and will accordingly refuse the necessary extension of time. In particular, the court cannot speculate as to what the former SPM might have said if still alive, or make assumptions which could not properly be made in the case of a living appellant.

16. We now turn to the appeal of Mrs White, which POL accepts is a Horizon case.

Margaret White (née Sowinska)

17. On 5 November 2007, in the Crown Court at Oxford before HHJ Hall, Mrs Margaret White (then named Margaret Sowinska) pleaded guilty to two counts of false accounting. On 3 December 2007, HHJ Compston sentenced her to 51 weeks' imprisonment suspended for two years with a requirement to carry out 150 hours of unpaid work and a two-year supervision requirement. She was ordered to pay £500 towards the costs of the prosecution.

18. An audit of Mrs White's branch on 19 October 2005 had led to the accusation that she was responsible for a total shortfall of £51,039.72. During subsequent investigations, POL alleged that she had falsified accounts to hide a further £10,000 shortfall.

19. In interview under caution on 11 November 2005, Mrs White repeatedly denied having stolen any money. She said that she may have made a mistake when physically sending

money to POL albeit that POL checks suggested she had sent the correct amount. She said that she would operate Horizon and check the system until the figures balanced but that "if you can't, you can't". She was not asked what she would do if she could not balance the figures.

20. At a plea and case management hearing on 16 June 2006, Mrs White pleaded not guilty to two counts of theft and five counts of false accounting. The Defence indicated that they wished to instruct a chartered accountant to "check the figures and procedures." The list of prosecution witnesses included Penelope Thomas from Fujitsu. Ms Thomas' witness statement is no longer available but POL accepts that her evidence was generally obtained in POL prosecutions to explain how Horizon operated and to confirm the integrity of the system.

21. On 5 November 2007, following discussions between prosecution and defence counsel, two further counts were added to the indictment alleging false accounting in relation to shortfalls of £28,150 and £10,000 respectively. Mrs White pleaded guilty to these additional counts and the other seven counts were ordered to lie on the file.

22. POL accepts that this was an unexplained shortfall case and that evidence from Horizon was essential to Mrs White's case. The reliability of Horizon records was in issue and there was no evidence to establish the shortfalls independently of Horizon.

23. Having considered this case in the light of our previous judgments, POL indicated that it did not oppose Mrs White's appeal either on the basis that the prosecution of Mrs White was unfair (category 1 abuse) or on the basis that it was an affront to justice (category 2 abuse). We are not bound by POL's position but we regard it as a proper one in relation to both categories of abuse. As we announced at the hearing, we have concluded that Mrs White's convictions were unsafe. For that reason, and notwithstanding her guilty pleas, we extended time, granted leave to appeal, allowed the appeal and quashed her convictions.

David Cameron

24. We turn next to the case of Mr Cameron, whose application for a very substantial extension of time to apply for leave to appeal against conviction is opposed by POL.

25. On 3 May 2007, in the Crown Court at Wood Green, Mr Cameron was found guilty of 10 counts of theft after a trial. Each of these counts related to an unauthorised withdrawal of cash which he was alleged to have made in respect of the Post Office card accounts ('POCA') of six complainants in the period from July 2005 until February 2006. The total amount involved was £2,200. He was subsequently, on 1 June 2007, sentenced to 9 months' imprisonment suspended for 18 months and required to undertake 100 hours of unpaid work.

26. There was no appeal against conviction or sentence.

27. As he told us when giving evidence on a *de bene esse* basis, his having made an application to adduce fresh evidence pursuant to section 23 of the 1968 Act, Mr Cameron had worked in various Post Office branches, in and around North London, since 1987. This culminated with his appointment, in 1992, as Manager of the

England's Lane Post Office in Hampstead which was situated within a pharmacy. This is the role which he was performing at the time of the alleged offences.

28. In summary, on 29 November 2005, having been approached by Mrs Guinevere Fraser, who was then aged 91, the Metropolitan Police contacted POL to explain that Mrs Fraser had reported unauthorised cash withdrawals from her POCA whilst withdrawing cash at the England's Lane Post Office. Specifically, Mrs Fraser had identified three unauthorised withdrawals: £200 on 2 August 2005, £300 on 31 August 2005 and £200 on 9 September 2005. Mrs Fraser was adamant that on each of these occasions she had, in fact, only withdrawn £100 from her POCA.

29. Subsequently, on 17 January 2006, POL was informed that another customer, Mrs Eleni Painter, aged 61, had also contacted the Metropolitan Police, telling them that she had withdrawn £150 on 12 October 2005 but that the account records showed that a further £200 had been withdrawn from her account on that same day.

30. Subsequent inquiries revealed other instances. Thus, on 26 August 2005 Mrs Kathleen Georgiou, aged 81, withdrew £235 from her POCA yet records showed that a further £100 was withdrawn from that account the same day. Similarly, on 9 December 2005, Mrs Georgiou withdrew £100 from her POCA yet records showed that a further £100 was withdrawn just seconds later. Also, it was discovered that on 1 August 2005 Miss Mary Hernon, aged 70, had withdrawn £200 from her POCA only for a further £400 to be withdrawn very shortly afterwards. The same had happened the previous week, on 25 July 2005, when, after withdrawing £200 from her POCA, a further £300 was withdrawn on the same day. Similarly, some months later, on 10 December 2005, £300 was withdrawn by Miss Hernon with a further £200 also being shown as having been withdrawn on the records less than a minute later.

31. The transactions involving Mrs Fraser, the relevant Horizon transaction logs revealed, were undertaken using Mr Cameron's user ID. The same applied to the transactions involving both Mrs Georgiou and Miss Hernon. As for those involving Mrs Painter, the relevant user ID was that of Mr Richard Lee, but Mrs Painter was able to describe the person who served her in terms which were consistent with that being Mr Cameron (*"white male with thinning hair"*) rather than Mr Lee. We should mention in this context that Mr Cameron acknowledged during interview, albeit not initially when he maintained a denial in this regard, that he and other staff members knew each other's passwords.

32. An audit was carried out at the England's Lane Post Office on 20 February 2006. Although the audit report itself is no longer available, other documents indicate (and it was not in dispute before us) that the audit revealed that the branch was £240.23 in arrears.

33. Mr Cameron was interviewed by POL investigators the same day. The matters which we have described were put to him. He said that he could not explain what had happened, observing that sometimes customers would ask for a certain amount of money and then see from the receipt which they would receive when given that money that they had a larger balance than they thought they had and so would make a further withdrawal.

34. In this last respect, we note that, although in cross-examination before us Mr Cameron initially stated that he could not be sure whether the receipts issued to customers on withdrawals showed the remaining balance in the POCAs, he had told the investigators in his first interview on 20 February 2006 that such receipts did show balances. He denied, however, that he himself looked at what the receipts had to say in this respect when handing them to customers.

35. As we have indicated, the matter came before the Crown Court for trial. To this end, in fact before Mr Cameron was interviewed, witness statements were obtained from Mrs Fraser, Mrs Painter, Mrs Georgiou and Miss Hernon (as well as her sister, Bridget Hernon).

36. Mrs Fraser confirmed that cash had been withdrawn from her POCA on the three occasions to which we have referred and that on none of these occasions did she make two withdrawals or receive further cash. She said that she remembered sometimes being asked to enter her PIN number twice but that she could not remember when this was.

37. As for Mrs Painter, she similarly confirmed that she did not make further withdrawals as indicated in the POCA records, adding that on the particular occasion which she was asked about, on 12 October 2005, she remembered being asked to enter her PIN twice by the man with the thinning hair (Mr Cameron) and noticing that he took the receipt and put it to one side which she thought was odd.

38. Mrs Georgiou likewise confirmed that she did not make the further cash withdrawals referred to in the records relating to her POCA. She described it as being *"unlikely"* that she would make withdrawals twice on the same day. She also stated that she thought that she had been asked to enter her PIN twice on previous occasions but that she could not recall when this was, albeit that she believed that it had been at the England's Lane and Hampstead Post Offices.

39. In addition, after Mr Cameron's interview, witness statements were obtained, it seems for the purposes of the proceedings which were then brought against him in the Crown Court, from Mr Lee and another staff member, Mr Surinder Puri. Both denied being responsible for any unauthorised withdrawal.

40. There was also a witness statement in the papers from POL's investigation manager, Mr Jason Collins, who had been present (along with Miss Natasha Bernard) during the interview with Mr Cameron.

41. It is not altogether clear which of these various witnesses gave evidence at Mr Cameron's trial. Of the four complainants, it seems that only Mrs Painter and Mrs Georgiou did so owing to concerns about Mrs Fraser's age and Miss Hernon's vulnerabilities. However, Mr Cameron confirmed, in a witness statement which he prepared on 2 March 2022 for the purposes of the hearing before us, that he himself did give evidence at trial.

42. In that same witness statement, Mr Cameron described being advised by his solicitor to plead guilty on the basis that he *"had no prospects of winning at trial"*, to which his response was that *"there was no way I was pleading guilty to an offence I had not committed"*. He went on to explain that, given the length of time since the trial, he is now *"unable to recall what defence was raised by my legal representatives at trial"*.

He explained nonetheless that, during the course of cross-examination, he was asked *"where the money was"* and that he told prosecution counsel that *"it must be in a black hole, because it's not in my pocket"*.

43. Mr Cameron added that he also said at the trial that *"I thought the computer system, Horizon, may have caused the problems"*. This, however, seems somewhat unlikely in circumstances where nowhere during the course of his interview with POL's investigators did Mr Cameron seek to suggest that the explanation for the further withdrawals was, or even might be, the Horizon system. On the contrary, as Miss Carey QC pointed out during the course of cross-examination before us, having been asked *"What's the office balancing like? What's the office balance record like?"*, Mr Cameron's response to the investigators was to say that *"It's usually quite good"* which he explained meant that it was *"normally within £20"*. In other words, Mr Cameron was there acknowledging that Horizon was not believed by him at the time to be the cause of the withdrawals showing on the relevant records.

44. Furthermore, although the final version of the admissions which were put before the jury at trial is not available, a draft of the relevant document which was the subject of discussions between the prosecution and defence had this to say at paragraph 9:

"The POCA withdrawal printouts exhibited as GW/1-GW/6, the screenshots exhibited as GW/8-GW and the transaction log extracts exhibited as NB/1-NB/8 and NB/22-NB/23 accurately represent the transactions recorded by the Horizon system shown on them, and comply with the provisions of section 117 of the Criminal Justice Act 2003."

This followed disclosure of ARQ data by POL and production of certain schedules (some of which were before us) which drew together the relevant details.

45. True it is that in a letter from Mr Cameron's then solicitors, Needham Poulier & Partners, dated 15 March 2007, in which they provided comments to POL's legal department on the draft admissions, it was suggested that the word *"accurately"* should be deleted from paragraph 9 of the draft admissions along with the words *"and comply with the provisions of section 117 of the Criminal Justice Act 2003"*. It was suggested, in the circumstances, by Ms O'Raghallaigh on Mr Cameron's behalf that the draft admissions demonstrate that *"Horizon and its functionality was of central importance to the Prosecution case"*. However, the same letter went on, over the page, to request further front-page summaries relating to the branch's cash accounts which, based on the date ranges provided, indicates that Mr Cameron's legal advisers were investigating whether there were explanations for the withdrawals which had nothing whatever to do with the reliability of Horizon as a system.

46. In any event, as Miss Carey QC pointed out during the course of submissions, there was nothing to stop Mr Cameron's legal advisers seeking to dispute the reliability of the records on which POL was relying at trial with witnesses made available by POL who could speak to Horizon and its reliability. This was not done. That, clearly, is because Mr Cameron was not raising Horizon as the reason why the withdrawals were showing as having been made.

47. We are driven to the conclusion, in such circumstances, that Mr Cameron is now seeking to raise an issue concerning the reliability of Horizon which was simply not an issue, or believed by him to be an issue, at the time that he stood trial.

48. This conclusion is underlined by the fact that it was only in cross-examination before us that, for the first time, Mr Cameron sought to suggest that *"what had been very simple became very difficult"* as a result of Horizon. He went on to observe that, *"like all other sub postmasters"*, he had no idea *"where the cash went"*. This, we are clear, was Mr Cameron seeking now (and only now), in the light of our earlier judgments, to suggest that Horizon was essential to the case which POL brought against him without any reliable, and so legitimate, basis for making that suggestion.

49. Further as to this, in his witness statement dated 2 March 2022 Mr Cameron had referred to the various Horizon-based records which are still available from the trial and sought to suggest that *"some of [the] alleged double transactions were completed in a rapid timeframe"*. He said that, in the circumstances, *"I cannot understand how these transactions could have been repeated this quickly, other than a failing in the Horizon system"*. As Miss Carey QC demonstrated during the course of cross-examination, however, analysis of these records demonstrates that the various transactions were accomplished within the 30/35 seconds or so which Mr Cameron himself agreed it would ordinarily take for a particular transaction to be performed. We are quite satisfied, therefore, that there was not the *"rapid timeframe"* which Mr Cameron described in his witness statement, and so that the records reveal nothing amiss with Horizon as a system. It follows that we do not agree with Mr Cameron's viewpoint that there must have been *"a failing in the Horizon system"* as demonstrated by the timings.

50. Mr Cameron has not established that there was anything to suggest that the Horizon data was unreliable. As we have explained when addressing the points made by Mr Cameron in his witness statement concerning timings, even now there is nothing to suggest this.

51. Ms O'Raghallaigh submitted that it was not, in the circumstances, surprising that neither Mr Cameron nor his solicitors raised problems with Horizon at the time given that it was not for many years afterwards that such problems came to light. The difficulty with this submission, however, is that, although Horizon data obviously formed part of the prosecution evidence, it was not essential to the case which the prosecution levelled against Mr Cameron.

52. On the contrary, although Horizon evidence was relied upon, in truth, the prosecution case was brought on the basis of the accounts given by Mrs Fraser, Mrs Painter, Mrs Georgiou and Miss Hernon. As Miss Carey QC put it, the logs supported the evidence given by the witnesses (whether in their witness statements orally or both), not the other way round. There was, therefore, clear and direct evidence from the victims that their accounts had been depleted by the unauthorised transactions. This means that cash must have been taken from the England's Lane Post Office. The more so, since, if the recorded withdrawals were the result of an Horizon error and no cash was, in fact, removed, then, there would inevitably have been surplus cash identified when the audit was carried out. Instead, there was a shortfall.

53. Of course, we take account of the fact that Mr Cameron was of previous good character (there were, indeed, a number of references before the court, which we have seen, describing him in very positive terms), but this does not alter the fact that the case advanced by the prosecution was not a case in which Horizon can, in any way, be characterised as having been essential.

54. That this is not such a case, and so one of those exceptional cases in which it is appropriate to allow the appeal, is demonstrated by the fact that Ms O'Raghallaigh sought, during the course of her submissions, to highlight aspects of the evidence given by the four complainants, rather than to focus on the reliability of Horizon, such as the fact that only one of them (Mrs Painter) had a specific recollection in her witness statement of being asked to provide her PIN twice on one of the occasions covered by the indictment. This, however, was the type of point which could have been made at Mr Cameron's trial (indeed, it might have been made for all that we know), but quite clearly it is not a point which bears on the reliability of Horizon.

55. Ms O'Raghallaigh also submitted that the fact that the four complainants were elderly women is nothing to the point given that, as she put it, *"many if not the majority of customers collecting benefits and making withdrawals from a Post Office, either now or at the relevant time, are and would have been elderly women"*. Accordingly, she submitted, *"the suggestion of 'targeting' carries little weight in the final analysis of whether Horizon was essential to the case against [Mr Cameron] at trial"*. This submission, however, again illustrates the fact that Horizon was not essential in Mr Cameron's case since Ms O'Raghallaigh's submission is one which could have been advanced (and possibly was advanced) at trial regardless of whether Horizon was reliable or not. In any event, we tend to agree with Miss Carey QC when she submitted in this respect that, if there had been some type of bug in Horizon which caused the withdrawals to be recorded when they were not actually made, then, it would have been a remarkable coincidence that this only apparently happened in relation to the four elderly complainants in this case and, moreover, only when Mr Cameron was behind the counter dealing with those customers. If there had been such a bug, it might have been expected that it would have manifested itself in relation to other customers and, furthermore, in relation also to transactions overseen not exclusively by Mr Cameron but by his two colleagues also.

56. It follows, for all these reasons, having considered the material which was deployed before us (including the contents of Mr Cameron's witness statement and the evidence which he gave before us), that we are wholly unpersuaded by the suggestion made by Ms O'Raghallaigh on his behalf that this is a Horizon case. It follows that the very substantial time extension application made by Mr Cameron is refused and so also that the application for leave to appeal is refused.