

HOW THE CROWN PROSECUTION SERVICE HAVE IGNORED THEIR OWN GUIDE: THE GUIDE FOR CROWN PROSECUTORS

Para 4.1.of the Code: The Code requires the Evidence Test on page 4. This has been clearly met as the frauds are blatant, clearly documented and supported by an independent witness, Jayne Cott, in whom Armstrong confided. The evidence is so overwhelming that Armstrong can do no other than admit the allegations yet at present the Police have not even interviewed her.

Para 5.3.c.of the Code: “what explanation has the defendant given?” She has given no explanation. She has simply said the money was missing because of “accounting mistakes” and “misunderstandings”. These mistakes and misunderstandings caused the money to end up in her possession and nowhere else. That is why she had no alternative but to repay it.

Para 6.2 of the Code: “...a prosecution will usually take place unless there are public interest factors tending against prosecution...often the prosecution should go ahead and those factors should be put to the court...”. The CPS has not stated why it would not be in the public interest to commence an investigation by the Police.

Para 6.4 of the Code: “A prosecution is more likely to be needed if”:

Para 6.4.a.of the Code: “The more serious the offence, the more likely it is that a prosecution will be needed in the public interest”. Armstrong stole several hundreds of thousands of pounds. This cannot be anything other than serious.

Para 6.4.d.of the Code: “the defendant was in a position of authority or trust”. At the time of the frauds Armstrong was in sole authority and trust, no other person held the password and ability to pass the fraudulent transactions. She was the Company Secretary and one of only three directors. She owed a fiduciary duty, enshrined in statute, to the company that paid her. She could scarcely be in a higher “position of authority or trust”.

Para 6.4.e.of the Code: “the evidence shows that the defendant was a ringleader or organiser of the offence”. Armstrong instructed a junior member of staff, to reverse and disguise two fraudulent transactions in her efforts to avoid detection. See para. 16 of the history.

Para 6.4.f.of the Code: “there is evidence that the offence was premeditated”. The offences were carried out over a long period and were cleverly disguised, a great deal of premeditation was necessary to keep them undiscovered. So much premeditation was used that two annual audits missed the frauds, she was only uncovered because she went on holiday.

Para 6.4.m.of the Code: Armstrong has escaped unpunished and is free to commit exactly the same crimes again. Indeed this is most likely since she is trading in exactly the same business and is holding large sums of money on behalf of landlords and tenants alike. The CPS decision here is quite contrary to Paragraph 6.4 m of the Code for Crown Prosecutors: “there are grounds for believing that the offence is likely to be continued...by a history of recurring conduct”. Armstrong carried out the frauds and thefts over a period of years. She will think all she has to do is repay any discovered thefts, stating them to be misunderstandings” and keep the proceeds of those frauds which remain undiscovered. What will be the response from the CPS to the resultant publicity if this occurs and is uncovered?

Para 6.5.of the Code: Factors against the public interest. Para 6.5 h. at first glance might apply but a minute’s thought shows it does not: “.... defendants must not avoid prosecution solely because they pay compensation”. Armstrong has repaid the company’s losses, she has not paid compensation.

Para 6.7.of the Code: requires the views of the victim to be taken into account. It is the view of ALL the directors and staff of Wren Properties Ltd that Armstrong should be prosecuted. At present there is much incredulity and disgust, not just at Wren but in the whole area, such is the widespread knowledge of this high profile case. None of the remaining paragraphs of the Code are relevant.