Book One – It's All So Clear to See

But nobody wants to see!

The issues are very simple:

1. Did I conspire with Buchanan in order to steal funds from NCR?
2. Did I knowingly commit fraud (deception for unlawful gain)?

The answer to both of these questions is no.

When Rachel and Dean, my legal team, presented the summarised facts of my case to the appeal court, they opened with the statement, "In some ways it was an unusual matter." Unfortunately judges do not like things to be unusual because it makes their job far more difficult. In the twenty minutes allowed for the appeal against my sentence there was no time to present "the unusual" aspects of my case, but here are a few

1. If I had conspired with Buchanan to steal money from NCR, would I have told my business partner, Mark Durbin all about it, as he admitted in his statement to the criminal court? – Of course not. Would I have openly revealed this to Mark if I had a criminal motive in mind? – Of course not. Would I have told Mark that NCR had requested that I create a separate entity in order to store excess budget for use in the NCR/PSL postal program if I had not believed and trusted Buchanan that this was legitimate? - Of course not.

2. If I had conspired with Buchanan to steal money from NCR, why didn't I take funds for myself? Surely it makes no sense to take such a risk for no gain, but that's what NCR and the police like to forget. The only funds I took was to pay a tax bill after HMRC had threatened to repossess my home plus I took a minimum of directors fees when told that it would look strange to auditors if no director's fees were taken. The threats from HMRC came some time after the first funds were moved from NCR to PCSL. Had I not received the threats from HMRC then I would not have taken any money at all. Had events not overtaken me, the funds borrowed to pay HMRC would certainly have been repaid. Does this sound like a man who would take such a considerable risk to conspire and steal money from NCR – of course not?

3. In a recorded interview with D/C Steve Ball, he asked me why I had not taken more of the money as I clearly had the opportunity to take a great deal. I told him very simply and rather meekly that the money was not mine. He seemed

incredulous at my honesty. Does this sound like a conspirator or a fraudster – of course not?

4. When NCR restructured and pulled out of the Corvus program in early 1999, leaving our joint customers exposed, I used my own life savings and personal borrowings in order to protect my customers. I could have used funds in PCSL for this purpose but by this time I knew that this money was "dirty" and I wanted nothing to do with it. Some years later when the US dollar / pound sterling exchange rate crashed from 1.42 to 1.90, again I used my own personal borrowings in order to protect my customers. Does this sound like a man who is so obsessed with money that he would take such a risk – of course not?

It is very clear to anyone who takes the trouble to look at the facts, that the only thing that was important to me was the protection of my customers. They had put their trust in me and I could not, would not, betray that trust.

When I finally realised that Buchanan was using me to siphon off funds from NCR, I was very scared. However, my primary concern was the impact this may have on my customers. If I revealed what Buchanan was doing, he would be in deep trouble and there would be a grave risk that NCR would cease to fund the postal program that Buchanan had supported. This would cause great losses to my customers.

So I had a difficult decision to make. I had what I have called a conundrum of trust. NCR had trusted me and funded me to start my own business, however, my customers had trusted me with the future of their business. In the end it came down to a simple consideration - Who is more deserving of my help and support – NCR, who appeared to be so incompetent as to lose such funds and not even miss them or Tanzania Post, who had mortgaged their postal headquarters in Dar es Salaam in order to fund the modernisation project trusted to PSL. I simply could not betray the trust of my customers. Is that such a crime?

Of course, at the time I had to make this decision I was unaware just how much money Buchanan had access to.

These are just a few pointers to my innocence of conspiracy and fraud. It really doesn't need a genius to see that I never planned to steal anything from NCR. Even the prison-happy Judge King told the court that I had been inveigled into this crime. Surely, if I was inveigled then I could not have committed conspiracy. Herewith the definition again:

> ***Inveigled:*** "*To be enticed and persuaded by guile or ingenuity. To be innocently drawn in against ones wishes. To coax, to con, to ensnare, to entrap, to manipulate, to entice, to wheedle*."

So how does the civil case marry up to these facts? NCR's barrister told the civil court in 2000, that I had "admitted my guilt," the inference being that I had admitted my role in a conspiracy when I had only admitted writing the invoices, initially, as I thought at the behest of NCR.

And what about the police telling the criminal court that Buchanan and I had "hatched and plan," or the CPS telling the criminal court, "The two defendants conspired together …". Two ways of telling the court a fact that they clearly knew was not true.

I have learnt a lot about the truth of this case that I had no idea about when I became unwillingly inveigled into the crime. The truth sits very uncomfortably on the shoulders of NCR even though the truth is all so clear to see:

1. For many years NCR Belgium had problems with its financial management and controls.

2. A number of external auditor's reports had advised NCR Corporation of the problems, yet NCR did nothing to resolve the problems.

3. In 1995, Buchanan moved from the US to work in Brussels. He quickly learnt of the lax financial controls.

4. I was an honest, hard-working sub-contractor working for NCR running their postal program and I was assigned to report to Buchanan.

5. In all of my travels with Buchanan to meet senior members of NCR management he appeared to be well liked, highly trusted and respected.

6. Buchanan left everything to do with the postal program to me even down to completing NCR's potential business forms for his management.

7. I knew he had a budget from NCR Europe Middle East Africa (EMEA). I was also with him when he was offered further budget from NCR Central and Eastern Europe (CEE) and, after winning the big contract with the US Post, we met with the NCR team responsible and it was no surprise when Buchanan told me that he now had an embarrassment of budget. How much all this budget amounted to I do not know. Budget is not cash; well not in my experience. However, in Belgium, it seemed that Buchanan actually had cash in a bank account with no controls whatsoever (unbeknown to me).

8. Buchanan told me that his management had approved a special case for the postal program because of the global nature of the program, the huge potential

and the involvement of the Universal Postal Union (UPU), and agency of the United Nations. He asked me to create a new entity in which to hold excess funds until such time as they are needed within the program. I was delighted by the support being shown by NCR for our initiative and I immediately told Mark Durbin the good news.

9. This was the start of the stream of lies and deception that Buchanan used in order to entrap me.

10. I had no reason to mistrust him. All of the NCR senior management that I had met both within EMEA and in the US had demonstrated their respect for him and their trust in him.

11. Having worked for 28 years in Unisys, a similar sized company, in a similar industry, I had seen first hand the extent of the financial controls that are usual, from the checking of expenses through to the management of marketing budgets. How could I have possibly known the serious nature of the lack of financial control in NCR Belgium? I only discovered the detail of this shambles in 2004 during the trial of Buchanan.

12. I was frantically busy managing PSL and supporting NCR and the UPU, spending 50% of my time out of the country. I was totally focussed on the success of our initiative.

So, this is how the inveiglement took shape. It was probably about eighteen months from the creation of PCSL before I began to realise that Buchanan was using me. That was early 1997 and I have lived with fear ever since as NCR and the injustice system between them distorted the reality in order to dismantle my life. It suited both NCR and the police to distort the facts and create the fictitious "conspiracy." It suited their respective agendas but it is a fabrication. The facts very clearly show that this was not a conspiracy.

I really am the most unlikely fraudster. Fraud, by definition is "deception for unlawful gain." I am so painfully honest that I couldn't possibly deceive anyone. Further, I am not at all motivated by money and the idea that I would risk the happiness of my family for some ill-gotten financial gain is ludicrous. I cannot understand why anyone would. I have always counted my blessings and would have done nothing to destroy my blessings.

However, the injustice system has now declared to the world that I am not to be trusted. This is now the official word on my values. As the majority of people trust the justice system, then they believe this judgement and I am therefore tarred with the brush of "fraudster" like a tattoo on my forehead.