Book One – Some Unanswered Questions

Just a few weeks after the dawn raid, in August 1999, I provided the police and NCR with copies of my voluntary statement that carefully laid out the details of my role in the crime, how it had come about and how I had felt totally compromised and trapped by Buchanan between my loyalty to my customers and my loyalty to NCR, both of whom had placed great trusted in me.

In the year 2000, thanks to my voluntary statement, NCR were able to take civil action in the high court to recover the monies taken. This was almost four years before any criminal case came to court. Had I not been so honest, this action could never have been brought at this time. The normal process would be for the criminal court to declare the guilty verdict first and then possibly civil action could be taken.

In the first few minutes of the civil case in the High Court in 2000, NCR's barrister advised the court that I had admitted my guilt. My guilt to what? I had admitted writing the invoices, initially (as I thought) on instructions from NCR. I certainly did not admit my guilt to being a part of a conspiracy to steal from NCR and I certainly did not admit to committing fraud. NCR took the one simple fact that I had written the invoices and declared that I had admitted my guilt. They ignored everything else in my statement and they ignored something that they knew at the time but I didn't, i.e. that the financial controls in NCR Belgium had been in disarray for many years but NCR had ignored the advice of their auditors to tighten up these controls.

The Honourable Mr. Justice Lightman simply accepted this as fact. The rest of the proceedings consisted of NCR's barrister and the judge pursuing Buchanan, who had pleaded not guilty. After two days the Judge declared a "joint and several" judgement against Buchanan and me. This meant that, between us, we must pay back all of the money taken, plus costs, plus interest. NCR then set about their vicious attacks and confiscations.

Four years later we are in the Crown Court in Oxford. Buchanan is still pleading not guilty and the trial-by-jury in the criminal case will decide his guilt. I assumed that his legal team must have felt that they had a chance of successfully defending him otherwise they would not have continued with the case (or is this me being naïve again). Now we have one very big question followed by a number of smaller questions:

1. ***What would have happened if the jury in the criminal case had found Mike Buchanan "not guilty?"***

2. *What would be the position of the ruling, four years previously, in the civil court? Can the disjointed justice system allow a "guilty" verdict in a civil court, followed by a "not guilty" verdict in a criminal court?*

3. *Would the civil case have to be revisited?*

4. *What would be the position regarding the confiscations by NCR? Would NCR have to give back all that had been confiscated from Buchanan?*

5. *And last but not least. What impact would this have on me, having honestly admitted my part in the crime? This is probably the easiest of the questions, as, I am sure that the full amount of the monies taken would fall to me to repay.*

While I am in questioning mode here are some others that rather mystify me:

I don't really understand the complex mechanisms of modern capitalism and the way the banks, governments and large corporations affect the markets and their impact on ordinary people. So the first two questions are to someone nameless and unknown:

1. *What causes interest rates to rise from 8% to 15.5% in the space of one year causing such destruction to ordinary hard-working people with mortgages and small businesses?*

2. *What causes the dollar/sterling exchange rate to move from 1.42 dollars to the pound to 1.90 dollars to the pound in just two years causing destruction to some and huge profit to others?*

The next series of questions relate to the seed of this story and can only be answered by NCR or maybe their solicitors Taylor Wessing (formerly Taylor, Joynson, Garrett):

1. *How did NCR lose a bank account with over $1 million?*

2. *How could Mike Buchanan, a marketing man from middle management have the power and authority to sign off and move funds out of this account with no other authority?*

3. *How could Mike Buchanan continue to authorise the moving of over $1,000,000 over a period of two years with no financial controls from NCR whatsoever?*

4. *NCR admitted their incompetence and acknowledged that they would never have discovered the loss of funds had Mark Durbin not stumbled upon the invoices. How, therefore, was NCR able to ignore their incompetence when they viciously and vindictively pursued me with unbridled destruction for repayment of the full amount of the monies that they had originally lost?*

5. *Why did NCR hound me for payment of funds taken by Buchanan on the one hand and do all they could to destroy my only source of income, my company?*

6. *Why did NCR block my application to remortgage my home in order to raise £50,000 to support PSL's customers when the fall in the value of the dollar was putting the business in difficulties?*

7. *Why did NCR intercept the proceeds from the sale of my flat at 18 Rennie Court and not leave me any funds to pay my solicitors fees or the capital gains tax? I had to borrow money on my credit cards in order to pay these fees and taxes.*

8. *Why did NCR settle with Buchanan, the orchestrator of the crime, after he had paid back a mere fraction of what he'd taken, yet they pursue me to the grave for many, many times more than I had taken?*

9. *In their grossly pernicious persecution, why did NCR focus totally on my family home, and ignore my liabilities, my huge debts built up because of my financial support for PSL and its customers?*

10. *Why, for ten years, did NCR hide their evil behind their evil mouthpiece, Taylor Wessing?*

11. *Why were NCR so determined to destroy PSL and cause the loss of tens of millions of dollars of investment by our customers in the developing world?*

12. *In destroying PSL, NCR destroyed many projects for which NCR were actively involved. Why would they do this? I'll try to answer this one as there can only be one answer. That whoever was pulling the strings for NCR in this case had no interest for anything other than destruction.*

13. *Are NCR proud of their incompetence and their destruction?*

These questions can only be answered by Mike Buchanan:

1. *Why was Mike Buchanan so greedy when he had such a beautiful family, a good job and a great life style?*

2. *Why did he take such a risk when he had so much to lose, after all, he wasn't short of money?*

3. *Why did he feel he had to lie and deceive me into being an unwilling participant in his crime? Had he been open about his plans I would have sent him packing.*

4. *Why did he continue to tell extraordinary and unbelievable lies to the police and the courts for five years?*

These are for Mark Durbin:

1. *Why did Mark Durbin go to the police rather than talking to his friend and business partner when he found the invoices?*

2. *Why did Mark Durbin call in the Administrator when PSL was actually solvent?*

3. *Why did he not advise PSL's customers of the financial situation and of my unfortunate position, preferring to destroy the company for his own gain?*

4. *Having called in the Administrators why did Mark Durbin then undermine their efforts to save the business by calling Escher, our biggest competitor, and give the company away for his own benefit?*

5. *Why did Mark Durbin call Escher and start the trashing of PSL just one day before he was to meet with me in Springhill Prison?*

6. *How can Mark Durbin claim ownership of the Intellectual Property Rights of PSL's software when he himself wrote in his statement to the court that the software was wholly owned by PSL?*

7. *How can Mark Durbin, a friend, try to make as much out of my unfortunate situation as possible as he admitted?*

Here's a few for the police:

1. *Despite the fact that the police had acknowledged in an interview with me that I had clearly not conspired with Buchanan, in their statement to the court the*

police stated that Buchanan and I had "hatched a plan." They knew that this was untrue. Why did the police present the conspiracy story to the court when they knew perfectly well that I had not conspired with Buchanan?

2. *According to Mark Durbin's formal statement, the police were told of his discovery of the PCSL invoices in November 1998. However, in Alun Long's formal statement it states :"The contract with PSL was terminated by NCR's letter dated 31st March 1999. I can produce this as exhibit ARKL 4. The termination of this contract was not related in any way to the theft of the monies of which NCR was not aware at this time." Therefore either 1) the Police did not inform NCR of the crime for over four months, or, 2) Mark's statement regarding finding the PCSL invoices and going to the Police in November 1998, is wrong, or, 3) Alun Long's statement that NCR did not know of the fraud as at 31st March 1999, is wrong. I wish someone would explain these conflicting statements made to the court by Mark Durbin and Alun Long?*

3. *Out of interest, what was the cost of the criminal action against Buchanan? I assume that there was a lot of work prior to the dawn raid in July 1999, then there was almost five years of investigation leading up to his trial in February 2004 and sentencing in June 2004, then there was his time in prison. I am fascinated to know how much Buchanan's greed has cost the state including police costs, court costs and prison costs. It must be many, many, many millions of pounds.*

And some for Judge King:

1. *Despite his knowledge of the destruction that a custodial sentence would cause to my family, to my business, to my customers and to me; despite all of the punishment that I'd already suffered; despite my hard work and my personal financial support for my customers in the developing world, why did Judge King alone believe that I deserved more punishment?*

2. *The police told me that they expected that I would get a suspended sentence. My solicitor told me that she expected that I would get a suspended sentence. My barrister told me that he expected that I would get a suspended sentence. Yet Judge King sentenced me to 21 months in prison. How can a Judge be so very different in his judgement than all others involved in the case? After the sentence even the counsel for the CPS voiced his surprise and dismay over my severe sentence.*

3. *I must ask for some clarification regarding the difference between the crime of "conspiracy" and the normal meaning of the word "conspiracy." My barrister in the civil action advised me that the word means something different in law than the normally accepted meaning as per the dictionary. Certainly it is very confusing when I have been found "not guilty" of conspiracy yet the court accepts the CPS statement that I conspired with Buchanan, Further, how can Buchanan have been found guilty of conspiracy when I was found not guilty. Who did he conspire with? Please help?*

4. *When he was advised of the vicious pursuance of me by NCR, Judge King announced his surprise but added, "That is no business of this court." Why did he not take into account the punishment already metered out by NCR when he metered out his draconian punishment?*

5. *Why, despite the court accepting my pleas of "not guilty" to all of the conspiracy charges did the court accept the police's statement that Mike Buchanan and I had "hatched a plan?" or the counsel for the CPS assertion that Buchanan and I had conspired.*

6. *Does Judge King know that his nickname around the court and in the local prison is "Bang-Up?"*

7. *Despite the five-week trial of Mike Buchanan, why did the court not give me one single minute to explain why and how I had become involved in this crime?*