Conspirator or Inveigled

First of all the definitions:

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.

Conspiracy An agreement among conspirators, to plan together to commit a crime.

Being inveigled into something or conspiring to make something happen are clearly complete opposites.

Well what was I? Did I conspire with Mike Buchanan to steal funds from NCR or was I inveigled against my will. Did I plan it or was I sucked in?

The criminal case came to the Crown Court in Oxford in February 2004 and I was found not guilty of 'conspiracy to defraud' and during his sentencing summary, Judge King told the court that I had been inveigled into the crime.

However, the civil case had been held many years earlier in the High Court in London in November 2000, during which NCR's barrister omitted key facts, distorted facts and painted a picture of a conspiracy by Buchanan and me.

The civil case was prepared by NCR's US legal department and their London solicitors, Taylor, Joynson, Garrett (TJG) to The Honourable Mr. Justice Lightman. There were a huge number of affidavits, exhibits, statements and other documents submitted to the court. Amongst the multitude of submissions there were two affidavits and a number of exhibits from Alun Long, an internal auditor employed by NCR.

During the criminal trial in February 2004, Alun Long also provided a number of witness statements to this court. Herewith an excerpt:

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Excerpt from the witness statement of Alun Long

> The NCR Corporate Audit Department performed audits of NCR Belgium in 1996, 1997 and 1998. I was the Corporate Audit Manager for those audits. Corporate Audit reports were written dated May 1996, November 1997 and August 1998. I can produce copies of these reports as exhibit ARKL 95. These reports clearly commented on the very poor financial controls, which existed at NCR Belgium, particularly during 1996 and 1997.
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> Major problems were experienced in preparing Statutory Financial Accounts for the year ending 1995. The problems were so severe that the external auditors were not happy with the financial records prepared by NCR and "qualified" their independent audit report for 1995. I understand this was because of the poor accounting records at NCR Belgium.

> Crucial issues raised in the May 1996 Corporate Audit report included a partial change in the computer accounting system. This change in computer system was, unfortunately, poorly planned, with inadequate staff training and poor technical systems support. This unfortunately led to confusion and uncertainty in the Finance and Administration Department.
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> The May 1996 Corporate report also detailed significant weaknesses and breakdowns in the financial and accounting controls. A prime weakness was the lack of reconciliation between the General Ledger and the supporting sub-ledgers.
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> Financial areas of specific concern in our 1996 report include problems in paying suppliers. Neither were there reconciliations between the outstanding Accounts Payable invoices (sub-ledger) and the General Ledger.
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> The Corporate Audit report of May 1996 also noted that "there were weaknesses in the performance of key reconciliations and a lack of formal procedures to ensure an adequate internal control environment."
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> I believe the general breakdown in accounting controls, as highlighted in the Corporate Audit report of May 1996, provided the atmosphere and opportunity for fraud to be committed. The poor internal accounting controls also meant that detection of fraud by NCR was unlikely.
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> This was the accounting and control environment Michael Buchanan found when he arrived at NCR Belgium. I believe this gave him the opportunity to exploit these weaknesses for his own benefit.

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Now we move back to the High Court in November 2000. Amongst Alun Long's submissions to the civil court there were documents about the NCR company, NCR accounts, copies of various NCR brochures, Buchanan's employment contract and many other communications between Buchanan and NCR, details of PSL and PCSL, details of some of Buchanan's dodgy dealings and many other documents of limited relevance to the case.

However, there was no mention of this financial shambles in NCR Belgium. Clearly, Alun Long knew of this shambles at that time and I'm sure would have informed NCR's US legal representatives and TJG, but they chose to hide this from the court.

If this statement regarding the parlous state of the financial controls in NCR Belgium was important enough to be submitted to the criminal court in 2004, why was it not submitted to the civil court in 2000?

The answer is painfully clear. Who was 'pulling the strings' at the two very different court hearings? In 2000, the civil action was directed by NCR's US legal department and TJG. In 2004, the criminal action was directed by the police and the Crown Prosecution Service. So, Alun Long, the human face of NCR, free of the shackles of NCR's US legal department and TJG, finally revealed the 'whole truth' that had been omitted in 2000.

The Order of Things

The normal course of events sees a criminal trial deciding the guilt of a defendant. Once guilt has been established a victim or claimant can make a case through the civil court for reparation for the losses suffered due to the crime. However, my honest voluntary statement enabled NCR (with some devious fancy footwork and some distorted image painting) to turn the injustice system on its head. NCR and TJG selectively used my statement in order to mount a civil action against Buchanan and me long before any criminal action came to court.

This raises many questions about the processes of our justice system. In the rather bizarre civil case in 2000, The Honourable Mr. Justice Lightman pronounced that Buchanan and I were guilty of something. There was no name to the charge that we were found guilty of, as this was not a criminal court. Whatever it was that he found us guilty of it was sufficient for him to approve the 'Joint and Several' judgement pursued by NCR and TJG.

A Terrible Conspiracy?

Yes, this was a terrible conspiracy. However, it was not a conspiracy between Buchanan and me. The terrible conspiracy is that between NCR and TJG, who presented carefully selected information to the High Court in order to achieve their distorted objective. They omitted critical information necessary for The Honourable Mr. Justice Lightman to make a reasonable judgement. They included certain facts, they excluded certain facts and they distorted certain facts in order to paint a picture of a conspiracy between Buchanan and me. They purposely mislead the Court.

Had The Honourable Mr. Justice Lightman known in 2000, what Judge King knew in 2004, would he have approved a 'Joint and Several' judgement?

It appears that I was well and truly stitched up by NCR and TJG.