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IN THE CROWN COURT
AT CROYDON

20040028D4*1

The Law Courts,
Altyre Road,
Croydon,
Surrey CR9 5AB.

Friday 12th December 2003

Before:

HIS HONOUR JUDGE PRATT

R E G I N A

-v-

CAUL SILFORD GRANT

(Computer-aided Transcript of the Stenograph Notes of Marten Walsh Cherer Ltd., Midway House, 27-29 Cursitor Street, London EC4A 1LT. Telephone No.: 0207 405 5010. Shorthand writers to the court.)

MR A WALKER appeared on behalf of the Prosecution.

The Defendant appeared in person to represent himself.

S U M M I N G U P & V E R D I C T

JP

1 Management Act, but what is an attempt in law? Well, a person
2 attempts to commit an offence if, with the intention of
3 committing that full offence, he does an act more than merely
4 preparatory to the commission of it, and in this case, because
5 there is no forensic evidence analysing these earlier
6 importations that the defendant says, and has said, that he
7 committed, they are properly charged as attempts in law.

8 So, that is the law as it applies to this Indictment and ~~x~~
9 in fact there is no legal complication to this case at all
10 because I am bound to direct you that the defendant has not
11 put forward any defence known to English law to these charges
12 as laid. ~~*~~

13 There is no defence of justification in English law, nor ~~x~~
14 is there any defence of justification conferred on anyone by
15 virtue of the European Convention on Human Rights, now
16 enshrined in the Human Rights Act 1998. ~~*~~ There are defences
17 which can justify a person's actions. None of those defences
18 apply to this case, but they are self-defence, in allegations
19 of assault, accident, in cases alleging assault, mistake, in
20 certain limited circumstances, and duress by threats or
21 occasionally by circumstances. But that is it, and I am
22 afraid Mr. Grant has misunderstood part of Blackstone's book,
23 Blackstone's volume of Criminal Practice. That paragraph that
24 he read out to you yesterday uses the word justifications in
25 the plural and uses the word justification as a generic noun
26 encompassing the defences later mentioned in detail. It is an

1 introductory paragraph which is entitled "Defences involving
2 other excuses and justifications" and it says: "Introduction:
3 To treat certain defences as excuses or justifications and to
4 deal with them separately from defences which deny the basic
5 elements of liability is in one sense artificial since it can
6 be pointed out, for example, that no-one commits any offence
7 unless he acts unlawfully and, if the accused has a defence of
8 justification available, then he has not acted unlawfully" --
9 and that the defence is treated here as a denial of the
10 elements of liability -- "and one of the basic elements of
11 liability is missing".

12 Let me give you an example in a case alleging assault,
13 where a person claims to have acted in self-defence, juries
14 are told that where a person is either under attack, or in
15 fear of being immediately under attack, he may use such force
16 as is reasonable to defend himself against that attack, and
17 such reasonable force used is not unlawful. So that is an
18 example of that proposition put forward in Blackstone's in
19 work, as it were. So the use of the word justification and
20 justifications in the plural in that paragraph which Mr. Grant
21 read out, is using the word as a generic noun which
22 encompasses those particular defences which, over the next few
23 pages, duress, self-defence and related matters, mistakes of
24 fact and so on, it is a generic noun encompassing those
25 matters later referred to in detail.

26 Also much has been made of Article 7 of the European

TOTAL
CONTRADICTION
CONFUSING
THE JURY

1 the as the State allowed me to".

2 As far as the taking off of the labels from the bags,
3 the suitcases, is concerned, he said: "I was deliberately
4 testing the investigation procedure.

5 Well there it is, ladies and gentlemen, a reminder,
6 albeit in precis form, of what he said to you. So finally he
7 asks you to acquit him for the reasons that he has put

8 forward. Effectively he seeks for an acquittal of these *THE REASON*
9 charges, the sanction of a jury to have behaved in the way *FOR THE*

10 that he admits to having done and you may think will again *COURT*
11 when given the chance so to do, because if he is right no jury *PRACTIC*

12 or Court can stop him or convict him of anything. He is in *α*
13 your charge and if you feel that your duty is to acquit him

14 then you are entitled to do so. However if you find that your
15 duty, in accordance with your oaths, is to find him guilty on
16 those matters where you are sure that he is guilty, then that
17 is what you should do.

18 When you retire would you please appoint one of your
19 number to act as your foreman? He or she will have two jobs
20 to do; firstly to chair your discussions -- you may well find
21 them more efficient done that way -- secondly, he or she will
22 speak on your behalf and in due course deliver your verdicts
23 on your later return to Court.

24 Would you please put out of your minds anything you know
25 about majority verdicts. For now, and for a long time to
26 come, the only verdicts that the law allows me to accept from