

Chapter 17: Evidence of character: evidence of the good character of the accused

The direction to the jury

The terms of the direction

Page 492

Where an accused had received a good character direction, it was ‘positively undesirable’ to direct a jury that the complainant was also of good character and that ‘In a sense it [was] a level playing field between [the complainant] on the one hand and [the accused] on the other’. The effect of a direction along these lines is to dilute protection the trial process affords an accused of good character and to reduce the burden of proof on the prosecution (see *R v TG* [2017] EWCA Crim 1744, [25]-[26]).

The meaning of ‘good character’ and the entitlement to the direction

Page 493

Footnote 28

A bind over will not necessarily deprive the accused of his entitlement to an unqualified good character direction: see *R v Bailey* [2017] EWCA Crim 35

R v Hunter

Procedure

Page 500

In respect of para (1) in the text and **footnote 74**, see now the Criminal Procedure Rules 2015, 21.4(8). An accused who wishes to introduce evidence of his own bad character must give notice.

“Notice to introduce evidence of a defendant’s bad character 21.4. —(1)

This rule applies where a party wants to introduce evidence of a defendant’s bad character

...

(8) A defendant who wants to introduce evidence of his or her own bad character must—

(a) give notice, in writing or orally—

(i) as soon as reasonably practicable, and in any event

(ii) before the evidence is introduced, either by the defendant or in reply to a question asked by the defendant or another party’s witness in order to obtain that evidence; and

(b) in the Crown Court, at the same time give notice (in writing, or orally) of any direction about the defendant’s character that the defendant wants the court to give the jury under rule 25.14”