

Answers to problem solving questions

Outline Answer

Remember: Identify relevant issues
Define offences/defences
Explain/evaluate the law
Apply law to facts

X: (See 15.3.3 & 15.3.4) Assisting and Encouraging under either s44 or s45 Serious Crime Act 2007 in that he does an act capable of encouraging or assisting the commission of an offence and (a) he intends to encourage or assist its commission or b) he believes that the offence will be committed; and that his act will encourage or assist its commission. There would appear to be no defences.

D1: (See 15.2) Conspiracy. Statutory conspiracy – definition in s1(1) Criminal Law Act 1977.

D1 clearly agrees with D2 to commit robbery.

The fact that D1 is married to D2 does not prevent liability provided a third person is also party to the agreement (D3). D1 does not need to agree with D3 provided D2 does so (a chain conspiracy).

MR seems to be satisfied.

Attempt: (See 15.1) Has D1 committed an act that is more than merely preparatory to robbery?

Campbell, Gullefer, Jones, Nash. A difficult question. Look at both alternatives.

Does s/he intend to commit robbery? It would appear so.

D2: (See 15.2) Conspiracy - Agreement with both D1 and D3. AR/MR.

D3: (See 15.2) Conspiracy - Agreement with D2. Conditional intent suffices. Withdrawal after agreement can have no effect. Offence is committed as soon as agreement is made provided there is intention to commit the substantive offence which, in this case, is not robbery but handling.