

Ch 8: Corroboration and care warnings

Care warnings

Section 32 of the Criminal Justice and Public Order Act 1994

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In respect of the summary of the principles in *R v Makanjuola*, paragraph 4, see *R v Pitchford* [2021] EWCA Crim 1013. See also **Ch 2**. See also *R v BJ* [2020] NICA 5 at [46], where the Northern Ireland Court of Appeal considered that a factor to be taken into account in the exercise of discretion in historic sex cases where there is no independent evidence, is that they are difficult to defend. See also *R v Gerard Judge* [2017] NICA 22 at [10].

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In respect of the summary of the principles in *R v Makanjuola*, paragraph 8, see also *R v BJ* [2020] NICA 5: failure to give a warning will not necessarily furnish a good ground of appeal, even though all members of the appellate court would have given one (see [48]). However, a conviction might well be set aside where there is fresh evidence to show that a witness lied during her evidence and that the judge was deprived of the possibility of exercising her discretion to give a warning: see *R v Mehta* [2019] EWCA Crim 2332.

See also, *R v Pitcher* [2021] EWCA Crim 1013 where the guidance in *R v Makanjuola* was overlooked.

Other witnesses tainted by improper motive

An accomplice who is a co-accused

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In *R v Binkou* [2021] EWCA Crim 48, a direction was not needed where two co-accused did not undermine each other's evidence nor undermine the case of another co-accused who had not given evidence.

Other examples

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The warning is required even though the witness may not be an accomplice in the crimes with which the accused is charged: *R v Ratcliff* [2019] EWCA Crim 2267, where the accused was a criminal associate of the accused but not his accomplice.

See also, *R v Pitcher* [2021] EWCA Crim 1013 where the guidance in *R v Makanjuola* was overlooked.