# Answer guidance

## Question:

X suggests to D1 that if D1 stole some designer handbags they could make a lot of money by selling them. D1 agrees with D2 to smash the window of a designer shop and grab several bags. D2 discusses the plan with D3 who agrees to sell the bags but only if they are made by a specific Italian fashion house. Two days later he withdraws from the plan when he hears from D2 that the type of bag cannot be guaranteed. D1 and D2 are husband and wife. D1 rides to the shop with a brick in his backpack. He is standing on the pavement in front of the shop when he is arrested.

Discuss the liability of all parties, if any, for inchoate offences.

## Key issues:

Identify the relevant offences:

* X – whether there is assisting and encouraging under either s44 or s45 Serious Crime Act 2007
* D1 – whether there is a conspiracy and an attempt. Whether there is an act which is more than merely preparatory.
* D2 – conspiracy
* Does the fact that D1 is married to D2 make a difference to the outcome?
* Is there a conditional intent?

## Key law

You will find relevant legal rules in:

* Attempt – an act which is more than merely preparatory - *Campbell*, *Gullefer*, *Jones*, *Nash* (12.1.4)
* S44 and s45 Serious Crime Act 2007 (12.3.3 and 12.3.4)
* Conspiracy – Criminal Law Act 1977 (12.2.2) and *Siracusa*/*Yip Chen-Cheung*
* Conditional intent (Chapter 10, 10.1.3)

## Hints:

* Remember that the offences in the Serious Crime Act are wide and it may be difficult to decide on the appropriate section. Work through each element carefully making sure you do not miss out elements of the AR or MR. The offences can be committed recklessly.
* No defences seem to apply here.
* Remember that conditional intent suffices for an attempt.