**CHAPTER 7**

1. Trash was tried in 2000 for robbery. During the case, it emerged that, until 1993, Trash was a university lecturer in criminal law, but was dismissed from this post for persistent absenteeism, drunkenness, and solvent abuse. Trash was once fined for assaulting a policewoman in the execution of her duty on New Year’s Eve, but this conviction is now spent. In his evidence, Trash has chosen to disclose that he did once plan to rob a bank in Brazil, but that, having contracted an acute bout of malaria, he was compelled to abandon this plan. Trash has also called Drool, the Dean of his former Law Faculty, who testified that Trash basically had a reputation for being a nice chap who just had a lot of personal problems, many of which were brought on by the stress of having to lecture on a subject that he did not fully understand. Trash’s counsel requested that the trial judge deliver a good character direction. Ought the judge to have done so, and if so, what exactly should she have told the jury?

Prior to the decision of the full Court of Appeal in *R v. Hunter* [2015] 1 WLR 5367, it was conceivable that T might have been entitled to a modified *Vye*/good character direction (para 6.30.) As illustrated by the Court of Appeal’s decision in *R v. Durbin* [1995] 2 Cr App R 84, in determining whether an accused should be treated as someone of good character courts might overlook his/her minor offending, spent convictions and general misconduct if deemed sufficiently remote from the offence(s) charged. *Durbin*, however, was expressly disavowed in *Hunter*, which has sought to establish a sharp dichotomy between ‘defendants of absolute good character’ and ‘defendants of effective good character’ (see esp. para 7.17). It is for the judge to determine into which, if any, category, the accused falls. This question, therefore, invites you to apply the *Hunter* template to the facts and to decide whether a *Vye* direction, tailored to the circumstances of T’s case, needs to be delivered.