

IN THE SUPREME COURT OF ENGLAND AND WALES

BETWEEN

R
- v -
Smith

Appellant

Respondent

SKELETON ARGUMENT FOR JUNIOR COUNSEL FOR THE RESPONDENT

Junior Counsel: Miss Aisvarya Chandramohan

Junior Counsel for the appellant: Benjamin Cardy

Authorities Cited

Victims and other exempt parties in crime, L.S. 1990, 10(3), 245-247

R v Martin [2001] EWCA Crim 2245

Introduction

1. The issue is whether the case which concern exemption from criminal liability in cases where a party who would have been responsible for a crime is a victim of it.

It is submitted by the Junior Counsel that:

2. "...where the courts perceive that the legislation is designed for the protection of a class of persons. Such people should not be convicted some accessories to an offence committed in respect of them when they co-operate in it. Nor should they be convicted as conspirators." This principle, called the victim rule applies here and as such, the respondent should not be convicted as he was a victim.

Victims and other exempt parties in crime in (1990) 10 Legal Studies (1990), at p 245

Professor Glanville Williams

R v Gnango [2011] UKSC 59

3. Defendant can be saved in exceptional circumstances.

R v Martin [2001] EWCA Crim 2245

Conclusion

4. Based on the above arguments, the Respondent submits that the appeal should be dismissed

R (App.) v. Smith (Resp.)

Skeleton Argument on behalf of the Respondent

Junior Counsel: XXX