

Blackmail

Someone is guilty of blackmail if, with a view to gain for himself or another, or with intent to cause loss to another, he makes any unwarranted demand with menaces. A demand is unwarranted unless the person making it does so in the belief:

- (a) that he has reasonable grounds for making the demand; and
- (b) that the use of menaces is a proper means of reinforcing the demand.

So, the prosecution have to prove four things

(a) a demand for the payment of money was made. A demand may be made by words or actions. The defendant accepts that he asked V** to ***. So, it may be that you do not need to consider this aspect in much detail;

(b) menaces (or threats) were made. Such threats or menaces may be threats of violence or of any harmful or unpleasant consequence. This is perhaps the most important aspect of this count. The prosecution case is that ***. The defendant denies that any verbal or physical threat was made;

(c) the demand for money was unwarranted. The prosecution must prove either that (i) the defendant did not have reasonable grounds for making the demand; or (ii) that the use of menaces or threats was not a proper means of reinforcing the demand. It is not part of the defendant's case that threatening V** was a proper means of reinforcing his demand for money. Even if **** the allegation that C*** had *** was true, an allegation which C** denies, it would not have justified the making of threats. As I have already said, D** denies making threats. So, again, you do not do not need to consider this element in any detail; and

(d) at the time of making the demand, the defendant made it with a view to gain for himself or another or with intent to cause loss to another. This is something which you may not need to consider in much detail. You may think that if V** had given D** money, D** would have gained from that.

So, the key question for you to answer in relation to Count *, having regard to all the evidence and the directions which I give you, is this

Did D** play some part in threatening V**?

If you are sure that the answer is "yes", D** is guilty of Count *.
If the answer may be "no", he is not guilty of Count *.