

Incitement

Incitement to cause grievous bodily harm

Grievous bodily harm means “really serious harm”. Breaking someone’s bones is causing grievous bodily harm.

But D** is not charged with causing grievous bodily harm. He is charged with incitement to cause grievous bodily harm.

A person is guilty of incitement to cause or inflict grievous bodily harm if

- (a) he incites another person to do or cause to be done acts which would amount to causing grievous bodily harm. Inciting means persuading, encouraging, soliciting or pressurising another person. It is irrelevant whether or not the incitement is effective. The offence can be committed even if the person incited refuses to act. Offering to pay someone to commit an offence amounts to incitement.; and
- (b) he believes or intends that the other person will cause or inflict grievous bodily harm, if he acts as incited.

So, the key question for you to answer, having regard to all the evidence and the directions which I give you is

Did D** offer to pay X** to break C**’s bones?

If you are sure that the answer is yes, he is guilty. If the answer may be no, he is not guilty.