

Intimidation

There are four parts of this offence

1. knowing or believing that C** was assisting in the investigation of an offence This is not disputed. It is accepted that D** had been arrested and knew that C** was assisting the police.
2. did an act, namely made **a threatening phone call. Again, it is not disputed that D** made the phone call. It is accepted that he made a **phone call to C** at **. He, though, denies that it was a threatening phone call.
3. which intimidated and which was intended to intimidate. You have to consider both what was in the mind of the defendant and what was in the mind of C**.

So, the first questions for you to answer in relation to Count *, having regard to all the evidence and the directions which I give you are;

Did D** make a threatening phone call to C** on **?

Did that phone call to C** on ** did intimidate C** and was it intended to do so?

If the answer to either question may be “no”, the defendant is not guilty of this count. But if the answer to both these questions is “yes”, the defendant is presumed to have Intended thereby to cause the investigation to be obstructed, perverted or interfered with.

So, it is for the defendant to satisfy you that she did not intend to obstruct, interfere with or pervert course of justice. But she does not have to prove this to the same high standard as the prosecution. She only has to satisfy you that it is more likely than not that she did not intend to obstruct, interfere with or pervert the course of justice.

“Obstructing the course of justice” and “interfering with the course of justice” are both simple phrases which bear an ordinary, common sense meaning. In a case such as this, a threat by someone to intimidate another person into altering or withdrawing her evidence is perverting the course of justice.

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

Has the defendant satisfied you that it is more likely than not that she did not intend to obstruct, interfere with or pervert course of justice?

If the answer is “yes”, she is not guilty of Count *. If the answer is “no,” she is guilty on Count *.