

## **Perverting the course of justice**

This file contains two directions;

Doing an act which has a tendency to pervert the course of public justice (false references at sentencing hearing); and

Conspiracy to pervert the course of justice.

## **Doing an act which has a tendency to pervert the course of public justice (false references at sentencing hearing)**

I will split that into the four different things which the prosecution must prove

(i) with intent to pervert the course of public justice

A sentence passed in a Crown Court is part of “public justice”.

In this context “pervert” means “alter in a way that is wrong”.

The prosecution must prove that D\*\* intended to pervert the course of justice or that he intended to do something which, if achieved, would pervert the course of justice.

If someone intends to try to get a lighter sentence than he would otherwise receive by allowing a judge to be given false information, then he intends to pervert the course of public justice.

The prosecution say that \*\*\*.

The defence \*\*\*.

(ii) did an act which had a tendency to pervert the course of public justice

Put simply, there must be a possibility that what the defendant did might lead to injustice. If a judge imposes a lighter sentence than he would otherwise have done because he was given incorrect information, that is an injustice.

(iii) in that he knowingly allowed character statements to be presented as character references at a Crown Court sentencing

This is one of the key issues. Did D\* allow \*\*\*? The prosecution say that \*\*\*. Again, the defence rely upon \*\*\*.

(iv) knowing that the content of the character references was false

There is no doubt that the contents of the letters were false in stating that \*\*\*.

You may think that if he had read the letters or if he had known about the contents of them, he would have known that they were false. The prosecution say it is inconceivable that he did not know the contents. The defendant says \*\*\*.

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

1. Did D\*\* know that the contents of the character reference letters from X\*\* were false?
2. Did he allow them to be given to the judge?

3. In doing that, did he intend to try to get a lighter sentence?

If you are sure that the answers to all three questions are “yes”, the defendant is guilty of Count \*. If the answer to any question may be “no”, he is not guilty of Count \*.

### **Conspiracy to pervert the course of justice**

“conspired together to do an act” Conspire simply means “to agree”.

The prosecution case is that D\*\* agreed that X\*\* would \*\*\*. If the two of them agreed that, it was “a conspiracy to do an act”.

The defendant denies this. He says that \*\*\*.

So the first issue for you to decide in relation to this count is whether or not D\*\*\* and X\*\*\* agreed that X\*\*\* would \*\*\*.

### **“with intent to pervert the course of justice”**

In this context, “pervert” means “alter in a way that is wrong”. The prosecution case is that \*\*\*.

The Defence say \*\*\*.

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

Did D\*\* and X\*\* agree that X\*\* would \*\*\*?

Did they do that intending to derail the trial in any way?

If you are sure that the answers to both questions are “yes”, he is guilty of Count \*. If the answer to either question may be “no”, he is not guilty of Count \*.