

## **Robbery**

This file contains two directions, where the issues are involvement and dishonesty.

### **1. Robbery - was D involved?**

Robbery involves two things

- Stealing – i.e. dishonestly taking something (in this case C\*\*'s gold chain and bracelet) with the intention of permanently depriving the owner of it and
- either immediately before, or at the same time, and in order to steal, using force against the victim or putting the victim in fear of being subjected to force then and there.

In this case, C\*\* described how \*\*. That was a robbery. Indeed D\*\* has not disputed that there was a robbery and X\*\* has already pleaded guilty to the role that he played in the robbery.

However, D\*\* denies that he was the other person involved in the robbery.

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;

Was D\*\* involved in the robbery of C\*\* by \*\*punching him, threatening him with a knife and grabbing either or both of his chains?

If you are sure that the answer is “yes”, D\*\* is guilty.

If the answer may be “no”, he is not guilty.

### **2. Robbery – was D dishonest?**

Robbery involves two things;

- Stealing – i.e. dishonestly taking something (in this case C\*\*'s money) with the intention of permanently depriving the owner of it; and
- either immediately before, or at the same time, and in order to steal, using force against the victim or putting the victim in fear of being subjected to force then and there.

The word "dishonestly" bears its ordinary meaning. If someone takes money which he honestly believes he is entitled to – for example payment which has been made for a service which has not been provided – he is not acting dishonestly and so is not guilty.

You should decide whether you are sure that, according to the ordinary standards of reasonable and honest people, what D\*\* did was dishonest. If you are sure that it was, you must also consider whether you are sure that he himself knew that what he was doing was dishonest. As I say, if you are not sure that he was acting dishonestly, he is not guilty.

In this case, C\*\* said\*\*\*. If you are sure that his evidence is true, he is guilty of robbery.

However, D\*\* denies this. He says that \*\*\* If what D\*\* says may be true, he is not guilty.

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

Was D\*\* acting dishonestly?

Immediately before, or at the time of taking the money and in order to take the money, did he use or threaten force against C\*\*?

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