

## **Violent disorder (assisting others)**

This offence is committed when three or more people who are present together use or threaten unlawful violence and the conduct of them taken together is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.

A person is only guilty of violent disorder if she intends to use or threaten violence or is aware that her conduct may be violent or threaten violence.

Everyone agrees that on the night of \*\*\*, there was violent disorder. We have seen from the CCTV footage that there were “three or more people”. We have seen that “unlawful violence” was used towards the police. Any person of reasonable firmness present would have feared for their personal safety.

Indeed, you have heard that a number of people have pleaded guilty to offences of violent disorder during the course of that night.

Those guilty pleas are proof that offences of violent disorder took place.

They do not though automatically mean that the defendant in the dock, D\*\*, is also guilty. You should not draw any inferences or reach any conclusions that just because others pleaded guilty she must also be guilty. You must consider the case against her separately, on the basis of the evidence that you have heard in this court room.

## **Joint responsibility**

The prosecution's case is that D\*\* intentionally assisted others in committing violent disorder – in other words she was acting jointly with others.

She denies this.

Where a criminal offence is committed by two or more persons, each of them may play a different part, but if they are in it together, as part of a joint plan or agreement to commit it, they are each guilty.

So, to take a completely unrelated example, in a bank robbery, the bank employee who provides inside information, the accomplice who reconnoitres the building, the get-away driver who drives the robbers to and from the scene, and the man who waits outside the bank as look out, are just as guilty as the men who point guns at the bank staff, blow open the safe and run off with the money.

The words 'plan' and 'agreement' do not mean that there has to be any formality about it. An agreement to commit an offence may arise on the spur of the moment. Nothing need be said at all. It can be made with a nod and a wink, or a knowing look. An agreement can be inferred from the behaviour of the parties.

The essence of joint responsibility for a criminal offence is that each participant shared the intention to commit the offence and took some part in it however great or small so as to achieve that aim.

So, in this case, the key issue is what, if anything, D\*\* intended others to do \*\*\*\*. People very rarely say out loud that they intend to commit a crime. So how do you decide what someone intends? The answer is that you can infer someone's

intention by looking at all the circumstances. Look at all the evidence and decide what, if anything, D\*\* intended when \*\*\*.

If, looking at the case against the defendant, you are sure that with the intention I have mentioned she took some part in assisting others to commit the violent disorder, she is guilty.

Mere presence at the scene of a crime is not enough to prove guilt, but if you find that the defendant was on the scene and intended and did by her presence alone assist or encourage others, she is guilty.

The prosecution case is that D\*\*\*

If you are sure that D\*\* intended that those items should be used in some way to further the violent disorder, she is guilty.

D\*\*\* accepts that she \*\*\*, but says that she \*\*\*. She denies helping others to be violent. If what she says may be true, she is not guilty.

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

By\*\*\*, did D\*\* intentionally assist others to commit violent disorder?

If you are sure that the answer is “yes”, D\*\* is guilty of violent disorder.  
If the answer to either question may be “no”, she is not guilty.