

CROWN  
COURT  
PRACTICE

TRIAL

BUTTERWORTHS

# **Crown Court Practice: Trial**

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# Crown Court Practice: Trial

# Preface

The vast majority of trials in Crown Courts are concerned with a limited number of offences and with some aspect of Evidence and Procedure. This Volume of Crown Court Practice is essentially concerned with these matters.

Section 1 deals with submissions which may be made concerning matters such as the indictment, separate trials, duplicity, no case to answer and cross-examination as to character. Section 2 is concerned with general matters such as participation, attempts, directions to convict, the mental element and defence issues, the still thorny problems of similar fact evidence and corroboration, identification, expert evidence and character. Section 3 is devoted to the ingredients of the more common offences. Although the Crown Court is mostly concerned with indictable offences I have included the new summary offences created by the Criminal Law Act 1977 as a consequence of the abolition of certain conspiracy offences at common law, the common law offences of forcible entry and detainer and the statutes of forcible entry. In the future such summary offences may, with the appropriate leave, form the bases of charges of statutory conspiracy.

In section 4 I have endeavoured systematically to collect the various topics with which a summing-up may be concerned and those with which it must be concerned. At the end of that section I have included a skeleton of a summing-up to facilitate cross-reference to the text. Detailed treatment of summing-up may suggest that there is some specific form or pattern to be adopted, but I trust that I have cited ample authority to the contrary and also to the effect that there are no particular formulae which must be recited.

The remaining five sections are concerned with matters which may arise after summing-up.

I am indebted to the publishers who received the manuscript before the Criminal Law Act 1977 was published and who have incorporated not only the changes which it has occasioned but also the case law up to January 1st. I am also grateful for the help of some members of my chambers who have been kind enough to read and check various parts of the manuscript. The invaluable assistance I have received from Rupert Bursell over the past three years has been such that I can acknowledge it only by including his name on the title page. I have endeavoured to state the law in force on January 1st, 1978.

Peter Fallon  
Guildhall Chambers  
Bristol

January 1st, 1978

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