

Judgecraft across Europe

Assessing credibility and giving an oral decision

Pre-seminar reading

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Dixon v Chief Constable

The appeal of Charmaine Dixon

Introductory note for participants

This is an appeal against a conviction for robbery. The appeal is a complete rehearing of the case.

Angela Graham is a middle-aged lady. She says that she was robbed in the street close to her home by a seventeen year old girl called Charmaine Dixon. She was on her way to do her weekly shopping and had £75 cash in her shoulder bag. Charmaine (whom she knows well by sight) came up behind her, grabbed the shoulder strap, struggled with her and used force in order to pull the bag off her shoulder. The bag came open. Charmaine snatched the cash out of the bag, threw the bag down and ran off.

By English law, as set out in section 8 of the Theft Act 1968, a person is guilty of robbery if *he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force.* Therefore, if the above facts are proved it was, in law, a robbery. No question of law arises.

Charmaine denies robbing Mrs Graham. She says that she did not see her on the day in question and was probably at her friend's house at the relevant time.

The burden of proving Charmaine's guilt is on the prosecution and, for you to convict her, they must make you sure that she is guilty.

You will hear that Charmaine has a previous conviction for robbery. The circumstances were virtually identical to the present. A few months earlier, when she was 16, she robbed a middle-aged lady on the same housing estate by snatching her handbag. She pleaded guilty. Under the '*bad character*' provisions of the Criminal Justice Act 2003 (as they are called in England) you have to decide whether the previous conviction makes it more likely that Charmaine committed the present offence.

At the seminar in Osmenie you will watch a DVD in which you will see and hear the evidence of Mrs Graham and Charmaine. You will also receive some agreed evidence in writing. Some participants will then be invited to give a short judgment stating their decision on the appeal.

We invite you to read the few pages following this note before you arrive at the seminar, so that you can get a better idea of what the case is about. It will not take you long.

We hope you will enjoy the seminar.

Witness statement of Angela Graham (not agreed)

I am the above-named person and live at 63, Ramsey Road, Sydenham.

This statement relates to an incident in which I was robbed at about 4.30pm on Friday, 29 May 2015 in Sydenham Drive, Sydenham.

I was walking from home along Sydenham Drive to do my weekly shopping at Asda on Chesterton Drive. This is about a 10 minute walk. I was on my own and I had a shopping basket in my right hand with my handbag on my left shoulder. It was a nice day. As I neared the end of Sydenham Drive I heard the sound of footsteps behind me. For some reason I looked round and it was Charmaine Dixon. I saw her clearly. She was wearing a pale jacket and jeans. She is well known on the estate and I have known her for years. She was in the local paper when she got her conviction for robbery and she is always making a nuisance of herself.

She suddenly started running towards me. I thought she was going to run straight past but she suddenly stopped. She started pushing and shoving me. She was really forceful. She didn't actually hit me but I was very frightened. Then she grabbed the shoulder strap on my handbag. When I realised what was happening I started hitting her with my shopping bag but it didn't make any difference and she kept tugging on the strap. She was quite strong and eventually she pulled it off my shoulder. By now the bag had fallen open. There was £75 in cash in a side pocket of the bag which was visible. Charmaine snatched the cash out of the bag, threw the bag down and ran off. I shouted after her but there was no one else around.

I decided to go straight home and tell my husband. I picked up my bag which still had my purse, credit cards and other personal items in it and walked home. My husband usually gets home from work at about 5.00pm. He arrived shortly after I did and immediately phoned the police.

The £75 in cash was my housekeeping money that my husband had given me that morning to do the weekly shop. This incident has shocked me badly and I want to make a formal complaint.

The Victim Personal Statement scheme has been explained to me and I fully understand it. At this point in time I do not wish to make one but understand I can do so at a later date.

Witness statement of PC Elliott Baker (agreed)

I am a serving police constable employed by Warwickshire police and I am currently based at Leamington Spa.

On Friday, 29 May 2015 at about 4.50pm I was on duty in full uniform in a marked police vehicle and was driving along Gainsborough Drive, Sydenham. Walking on the pavement I saw a young girl who is known to me as Charmaine Dixon. She was coming from the direction of Sydenham Drive and she was alone. She was wearing a light coloured top and black denim jeans. She was carrying a large bottle of Bacardi Breezer. I saw her stop and drink from the bottle. I concluded that she was consuming alcohol. I recently had had dealings with her in relation to an offence of robbery and I knew that she was aged under 18. I had reason to believe that she had committed an offence contrary to Section 150 of the Licensing Act 2003.

I stopped my vehicle and walked across the road towards her. I intended to issue Miss Dixon with a fixed penalty notice under Section 2 of the Criminal Justice and Police Act 2001. As I approached her she told me to fuck off. I decided to exercise my powers to stop and search her in addition to issuing a notice under the 2001 Act. I gave her the information set out in section 2 of PACE and asked her to turn out her pockets. Initially she refused. After some persuasion she agreed. In one of her jacket pockets she had a mobile phone and from her jeans pocket she produced a £20 note and 67 pence in loose change and 2 packets of Silk Cut cigarettes. Otherwise the search was negative.

I then informed Miss Dixon that I had seen her consuming alcohol and I issued her with a fixed penalty notice. She became belligerent, telling me that her mates were drinking as well and asking why I did not go and pick on them instead. I advised her as to her future conduct and returned to my vehicle. I then left the area of Gainsborough Drive.

Record of interview of Charmaine Dixon (agreed)

Introductions and caution

The defendant was asked to account for her movements on the afternoon of Friday, 29 May 2015. She said that she could not remember precisely where she had been. She thought it likely that she had spent time with her friend Hayley because that is what she did most afternoons. At some point she had gone home. She did not know what time that had been.

The defendant was asked if she remembered that she had been stopped by P.C. Baker in Gainsborough Drive. She said that she had been stopped quite often by police officers when she was walking around the Sydenham Estate and that P.C. Baker may have stopped her on this day. The interviewing officers clarified where and why P.C. Baker had stopped her. The defendant said that she must have been on her way home since Gainsborough Drive was her usual route.

The defendant was asked from where and how she had obtained the bottle of alcopop and the packets of cigarettes. She said that she must have bought them at a shop somewhere on the estate earlier in the day. She could not recall when or where.

The defendant was asked if she knew the complainant, Angela Graham. She said that she had seen Mrs. Graham around the estate and in various shops on Sydenham Drive. She had heard her name via a friend of her mother's. She was not aware of any grievance that Mrs. Graham had against her or of any reason why Mrs. Graham might tell lies about her.

The interviewing officers read from the witness statement of Mrs. Graham. The defendant said that the allegation that she had robbed Mrs. Graham was untrue. She said that she did not know why Mrs. Graham was saying what she did.

Witness statement of Geoffrey Sproson (witness for appellant - agreed)

I am the manager of William Hill Bookmakers, Sydenham Drive, Leamington Spa. I have been manager of this branch since October 2012. I work in the premises every day except Sundays. I know many of the regular customers by sight.

When a cash bet is taken from a customer, the customer is provided with a computerised receipt in relation to the transaction i.e. what is commonly called a betting slip. Our system does not record the identity of the customer, merely the time of the transaction and the details of the stake including the amount. We receive many hundreds, if not thousands, of cash bets in the course of a normal day's business. The branch does have a CCTV system which records transactions at each counter. The system is computerised. The hard disc recording is retained for 21 days before being deleted automatically.

I have been asked today whether I know a Mrs. Angela Graham. I am acquainted with this person. She lives locally on the Sydenham Estate and I have seen her from time to time in and around the area. I say hello to her if I see her but I have never had a proper conversation with her. I cannot recall how I came to know her name. I have seen her very occasionally in the branch of William Hill of which I am the manager. This is when she has been in the premises as a customer. I have never taken a bet from her myself but I have seen cashiers in the premises taking such bets from her. I really cannot recall how often this has happened or the amounts of money involved.

I also have been asked today whether Mrs. Graham was in my branch of William Hill on Friday, 29 May 2015. I am unable to say. As I have indicated already, we have no records available to say whether any particular person was in the premises on a particular day.

Map of area of robbery

