

312.9 Evidence, Interfering with corpses/injured people

R v Chidgey 2013 EWCA Crim 2816 D pleaded ten days before his trial to an amended perverting count. He was the licensee of a pub and found a customer, V, dead in the women's toilets. He had died of acute alcoholic poisoning. D was worried about the commercial effect of this as it was the start of a busy weekend. He did not tell anybody and told the cleaner, C that V was coming to work the next day. Four days later, C was told to tell the police she had found the body that day and she did so. Her statement to the police was misleading. D made a false statement to the police and C went to the police and told the truth. D was interviewed three times and lied on each occasion. D was 29, with no relevant convictions. He had an unhappy personal life and was drinking heavily. The pre-sentence report said there was not a shred of real remorse. The Judge said D had disgraced V's dignity. Held. Because V died of natural causes and D was not concealing a crime, **9 months** not 15.

312.32 Statement Making a false statement/Fabricating material/account for the court/police

R v Josen 2013 EWCA Crim 2103 D pleaded to perverting the course of justice. Police searched K's sister's premises and found a Walther pistol, a silencer for the pistol in a box and five bullets in a bag. K's palm print was found on the bag and his fingerprint on the box. It was illegal for K to possess the pistol as he had a relevant conviction. K was charged with possession of the items and pleaded not guilty. His defence case statement said the articles belonged to D. D went to the police with his solicitor and he found a silencer and ammunition while walking K's dog and had taken them to K's sister. D was charged with possessing the silencer and the ammunition. Police were highly sceptical about this. K pleaded to the charges and received 5½ years. D was aged 45 and had 37 previous offences including two of perverting the course of justice in 1999 and 2001 (D given unpaid work and community order). Held. There was no material effect upon proceedings against K and K's associated had exerted some pressure on D. The falsehood was over within weeks. The two previous were serious aggravating factors. We start at 3 years not 4, so with the plea, **2 years** not 32 months.)