

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.

R v Amin 2014 EWCA Crim 1924 D was convicted of perverting the course of justice and preventing a public burial. V was a young female Iraqi Kurd who was found in a suitcase, having been murdered by four of her relatives because of their disapproval of a relationship. D was the nephew of two of the murderers. All the participants and D met the night before the murder to discuss the killing and the disposal of V's body. Cell-site evidence put D at the place of the murder, but several hours after it was committed. D's bankcard was used about a mile from the burial site. He told police that he had last seen V six months ago. Four months later, D was arrested and made false and misleading statements about the use of his phone, his whereabouts and that he had not let anyone apart from his cousin use his car. Despite being shown cell-site evidence contradicting him, he maintained his version. D was interviewed a second time and made further false statements about his whereabouts and also the whereabouts of one of the murder suspects. Then, altering his account, D said he had lent his car to one of the murder suspects. D denied his involvement but could not explain the use of his bankcard or phone after the murder. D's misleading statements and denials about the use of his phone continued when he was interviewed for a third time. His statements to police contributed to a delay in finding V's body. D later visited the murderers on remand and admitted using the bankcard and letting them use his car on the night of the murder. It was also revealed that D's car was outside the relevant address when V was put into a suitcase and suitcase fibres were later found in the car. D was aged 30 at sentencing and of good character but showed no remorse. **8 years** concurrent with **5 years** for burial offence upheld.)

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 saying 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. The falsehood was over within weeks. The two previous convictions were serious aggravating factors. We start at 3 years not 4, so with the plea, **2 years** not 32 months.)