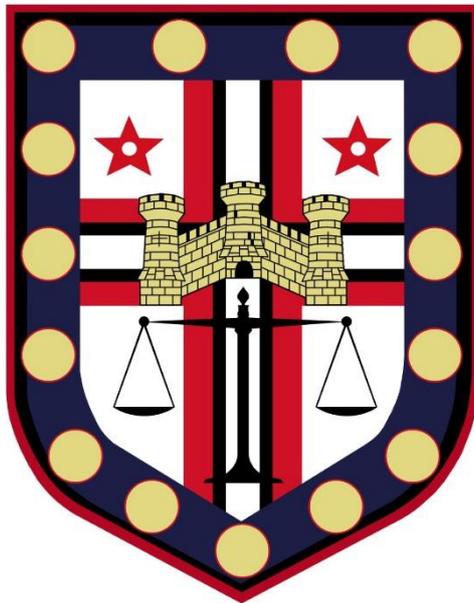




THE INAUGURAL FLAMANK MOOT



9TH -10TH DECEMBER, 2019
FLAMANK LAW SOCIETY

IN THE SUPREME COURT OF THE UNITED KINGDOM
BETWEEN:

REGINA

Respondent
Cross-Appellant

-V-

CAROLINE GODWIN

Appellant
Cross-Respondent

- I. Caroline Godwin was engaged to Owen Mitchell and they were due to be married on 21 June 2014. This date was exactly a year after Owen had proposed to Caroline and was 6 years after the couple had first started
- II. In April 2014 Caroline was out at networking lunch in Le Caraf Restaurant, when she saw her best friend Rachel Howden dining at another table with Owen. This surprised Caroline, because although Rachel had agreed to be one of her bridesmaids she had never really seemed to like Owen.
- III. Caroline's surprise quickly turned to horror when she saw her fiancé kiss her best friend. Outraged by what she had witnessed, Caroline stormed over to Owen and Rachel, and smashed the bottled of wine they had been drinking on the table. Holding the remains of the bottle, she threatened to stab both of them if they did not leave the restaurant at once. They tried to explain it was all an innocent misunderstanding but Caroline repeated her threat and so they hastily left the restaurant fearing that she would use violence against them.
- IV. The following day Owen telephoned Caroline and attempted to apologise. However, upon hearing his voice, Caroline lost her temper and began to shout abuse at him. Caroline told Owen that their relationship was over and that she never wanted to see him again. He begged her to meet with him, but she refused and told him that all she wanted to do was hurt him. Caroline said that if Owen spoke another word she would find him and "smash his head to pieces". Fearful that Caroline would make good her threat Owen ended the telephone call.
- V. Owen made no further contact with Caroline until 21 June 2014. His relationship with Rachel had come to an end and so he decided to go to Caroline's house to try to persuade her to give him another chance. Caroline answered her front door and had a violent outburst as soon as she saw Owen. She screamed abuse at him and threatened to break his legs. Caroline was also brandishing a hammer, which she had been using for some DIY immediately before answering the door. Owen believed she intended to use the hammer to strike him and ran away.
- VI. This final incident was witnessed by a passing police officer, PC Stephen Jones. He asked Owen what was happening and Owen explained that Caroline had threatened to break his legs with a hammer. Owen also told PC Jones about Caroline's other outbursts and threats.
- VII. Caroline was arrested for her behaviour and subsequently tried in the Crown Court at Wood Green. The jury convicted her of Putting a Person in Fear of Violence contrary to section 4(1) of the Protection from Harassment Act 1997. In summing-up the learned judge had directed the jury that:
 - a. Caroline's behaviour would constitute a course of conduct if the jury found that she had threatened violence against Owen on at least 2 occasions.
 - b. Caroline would be guilty of the offence charged if during a course of conduct her actions had made Owen fear that violence would be used against him.
- VIII. Caroline appealed against her conviction to the Court of Appeal on the basis that:
 - a. Her behaviour was not a course of conduct because Owen had been the one to instigate contact and in any event there was no sufficient nexus between the incidents.

- b. the learned judge should have directed the jury that Caroline could only be guilty of the offence if her behaviour amounted to harassment as defined by the Protection from Harassment Act 1997.
- IX. The Court of Appeal ruled that:
- a. Caroline's behaviour did amount to a course of conduct because it was irrelevant that Owen had instigated contact and there was a sufficient nexus between the incidents (per James v CPS [2009] EWHC 2925 (Admin) and R v Patel [2004] EWCA Crim 3284).
 - b. The Crown did have to prove that Caroline's behaviour amounted to harassment and the learned trial judge erred in not giving such a direction (applying R v Curtis [2010] EWCA Crim 123). However, in the circumstances of the instant case it was inconceivable that the jury could have come to any conclusion other than Caroline's behaviour amounted to harassment and so the conviction was safe (R v Haque [2011] EWCA Crim 1871).
- X. The matter has now been appealed to the Supreme Court on the following grounds:
- i. Caroline appeals on the basis that her behaviour could not be a course of conduct because Owen had been the one to instigate contact and in any event there was no sufficient nexus between the incidents.
 - ii. The Crown cross-appeals on an important matter of law, the basis being that R v Curtis is wrongly decided and that there is no requirement to prove harassment for the section 4(1) offence to be made out.

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