

A Private Investigator's view: Joint Enterprise law wrongly interpreted for 30 years.

In a landmark decision, the Supreme Court today ruled that the law pertaining to Joint Enterprise has been wrongly interpreted for the last 30 years.

We would imagine there must be hundreds of people in prison who shouldn't be there because of the misinterpretation of this law. It is also quite possible that we may see an increase in appeals from a number of defendants convicted under this law.

In its summary of today's ruling, the Supreme Court said that those convicted under Joint Enterprise, whose cases do not meet the time limit required to appeal, would require "exceptional leave" from the Court of Appeal to challenge their convictions.

Whatever the rights and wrongs, this could be a busy time for our friends in Criminal law.

If you'd like to know more, this is from Kaim Todner solicitors: http://www.kaimtodner.com/law/what_is_joint_enterprise/

Criminal law generally only holds offenders liable for their own actions but, under the doctrine of joint enterprise, a person may be found guilty for another person's crime.

Simple association or accidental presence during a crime is insufficient for a charge under joint enterprise. A suspect must knowingly assist or encourage the crime and agree to act together with the primary offender for a common purpose. For example, the driver of a getaway vehicle can be charged with robbery under joint enterprise even if an accomplice actually perpetrated the crime.

But Supreme Court judges said today that it was not right that someone could be convicted of murder if they merely foresaw that the person they were with might commit a crime.

Foresight was only evidence of the person's intention to encourage a crime, not as proof for a conviction of the crime committed.