Entry 2

My third week saw the continuation of the double-handed youth defendant murder trial that I referred to in my last entry. After the close of the prosecution case, both defendants gave evidence. The importance of preparation was evident, particularly with a youth.

The Examination-in-Chief (EIC) of our client was conducted in an overtly structured away; it followed logical themes. Compartmentalising the evidence in this way was conducive to the defendant staying focused. It was our view that our client had done well during their evidence; they provided clear answers to questions and remained calm in cross-examination. How an advocate should approach questioning vulnerable witnesses was a topic covered in the compulsory pupillage training that is delivered by the pupils' respective Inn of Court or Circuit.

Ordinarily, pupils take part in pupillage training once they have begun their pupillage. I started pupillage in March and therefore had the opportunity to conduct the main elements of my pupillage advocacy training prior to starting, alongside other Northern Circuit pupils who had commenced pupillage in September. However, I had one final component to complete: the family training aspect. To complete this, I spent a day shadowing Danielle Leigh, a family practitioner based in Liverpool. It was a unique opportunity to compare family practice to crime: both fast paced, both involve often challenging or vulnerable clients. It was also lovely catching up with Danielle as we were in the same interview cohort.

Talking of the Northern Circuit – I also attended my first Mess! These are (on the whole) formal dinners held by circuit every few months. They facilitate networking with other members of circuit through food and drinks in a jovial atmosphere.

After the defendants in our current case gave evidence, the court was not sitting for just over a week. As a result, I was set two tasks: one was to work on a large on-going project relating to an up-coming trial. The other was to conduct research on the Explosive Substances Act 1883 for matters concerning a different case. My brief was to clarify whether the intention under section 3(1)(b) must be intention to endanger life, and nothing less than that (aka was recklessness applicable).

> *3 (1)A person who in the United Kingdom or a dependency or (being a citizen of the United Kingdom and Colonies) elsewhere unlawfully and maliciously—*
>
> > *(a)does any act with intent to cause, or conspires to cause, by an explosive substance an explosion of a* ***nature likely to endanger life****, or cause serious injury to property, whether in the United Kingdom or*
> >
> > *(b)makes or has in his possession or under his control an explosive substance by* ***with intent*** *means thereof to* ***endanger life****, or cause serious injury to property, whether in the United Kingdom or to enable any other person so to do,*

> *shall, whether any explosion does or does not take place, and whether any injury to person or property is actually caused or not, be guilty of an offence and on conviction on indictment shall be liable to imprisonment for and the explosive substance shall be forfeited.*

The prosecution had planned to open their case on the basis that the defendant could be reckless as to whether life would be endangered under 3(1)(b), hence the task was set. I produced a document that outlined my findings and the following conclusion was drawn:

> *Given both Hansard and the way that the legislation is discussed in case law, it would appear that Section 3(1)(b) requires an intention to endanger life and nothing less. Where it is appropriate to apply other tests, the legislation provides wording to that effect as in CDA 1971 and in other sections of ESA 1883.*

While my mind was occupied with these tasks during the 11 days that we were not in court, it is probably fair to say that our client was thinking solely about their trial. Naturally, this had heightened anxieties. After an extended period not sitting, it was important to reassure the client by reminding them of where we are in the trial and what is going to be happening next.

The closing address by David Temkin KC was extremely well-received by our client. After the closing speeches, myself and my supervisor were required to balance both this trial (the summing up and verdict remained) and the start of another. The next trial was representing a youth client who was also charged with murder on a joint enterprise basis. They were to be in the dock with 9 co-defendants.

The moment in this next chapter which particularly sticks, was witnessing a verdict for the first time. The jury had spent 4 days deliberating. It is incredibly tense waiting for the foreman of the jury to answer the questions the court clerk puts to them (while of course this feeling couldn't ever get close to the nerves felt by those involved in the case and to whom the decisions will affect for life). Both defendants were found guilty of murder. The emotion in the room was stifling and the conference with the client that followed was naturally extremely difficult. It really was a lesson learnt: there is only so much you can do and ultimately the decision is down to the jury.