

ENGLAND AND WALES / JUDGMENT

JC & Ors v R

Source: caselaw.nationalarchives.gov.uk · Research copy typeset by Esheria. Not court-issued or certified.

Neutral Citation Number:

[2013] EWCA Crim 368 Case No: 2012/04537; 2012/05028; 2012/04539; 2012/04538 IN THE COURT OF APPEAL (CRIMINAL DIVISION) ON APPEAL FROM LUTON CROWN COURT His Honour Judge Kay QC

(1) T2011/7310; (2) T2011/7297; (3) T2011/7376; (4) T2011/7319 Royal Courts of Justice Strand, London, WC2A 2LL Date: 28/03/2013 Before : THE LORD CHIEF JUSTICE OF ENGLAND AND WALES MR JUSTICE SIMON and MR JUSTICE IRWIN

- ----- Between :

(1) JC

(2) JJC

(3) PC

(4) TC (Senior)

- and - R

- -----

- ----- Appellant Respondent

(1) Miss K Walton and Mr M Himsworth for the Appellant J C

(2) G Cockings and D Jameson for the Appellant JJC

(3) P Crampin and Alex Di Francesco for the Appellant PC

(4) L Power QC and A Selby for the Appellant TC (Senior) B Gumpert for the Crown Hearing dates: 14th February 2013

- -----

Judgment

Lord Chief Justice of England and Wales: 1. 2. This is an appeal against conviction by JC, JJC, PC, and TC (Senior) following a lengthy trial in the Crown Court at Luton before His Honour Judge Kay QC and a jury of a multi-handed, multi-count indictment. There were seven defendants at

trial. They were part of an extended family which originated from the Irish travelling community. TC (Senior) was the father of JC, JC, JC, PC and TC. JC was the wife of JJC. In view of the main ground of appeal we must relate the individual counts in the indictment to the individual defendants where the verdict was left to the jury. Count Count 1 Offence Conspiracy to hold a person in servitude (AL) Defendants TC (Snr) TC PC JC Jury Not agreed N/A N/A N/A Count 2 Count 3 Count 4 Count 5 Count 6 Conspiracy to require forced labour (AL) Assault occasioning abh (AL) Conspiracy to hold a person in servitude (TB) Conspiracy to require forced labour (TB) Holding a person in servitude (CM) Count 7 Requiring forced labour (CM) Count 8 Count 9 Assault occasioning abh (CM) Conspiracy to hold a person in servitude (SO'D) Count 10 Conspiracy to require false labour (SO'D) Count 11 Assault occasioning abh (SO'D) Count 12 Conspiracy to hold a person in servitude (JR) Count 13 Conspiracy to require a person to perform forced labour (JR) Count 14 Conspiracy to hold a person in servitude (RC) Count 15 Conspiracy to require a person to perform forced labour (RC) Count 16 Conspiracy to hold a person in servitude (JV) Count 17 Conspiracy to require a person to perform forced labour (JV) Count 18 Holding a person in servitude (DP) Count 19 Requiring a person to perform forced labour (DP) Count 20 Battery TC (Snr) TC PC JC TC (Snr) TC (Snr) TC PC JC TC (Snr) TC PC JC JJC JC JJC JC JJC TC (Snr) TC PC TC (Snr) TC PC PC JC TC PC JC JC TC PC JC TC (Snr) JC PC TC (Snr) JC PC TC (Snr) JJC TC JC PC TC (Snr) JJC TC JC PC JJC JC JJC JC JJC N/A N/A N/A N/A G (11-1) N/A N/A N/A N/A N/A N/A N/A N/A G (Unanimous) G (Unanimous) G (Unanimous) G (Unanimous) G (11-1) G (11-1) N/A G (11-1) G N/A G G NG NG NG NG N/A N/A N/A N/A NG NG NG N/A N/A N/A N/A NG N/A N/A N/A N/A NG N/A N/A N/A G G (11-1) G G(11-1) N/A (DP) 3. 4. 5. 6. For the avoidance of doubt we have not recorded verdicts which were returned following directions by the judge to acquit or on the counts where the prosecution offered no evidence. These verdicts were reached by the jury after a retirement which lasted many days. After the majority direction had been given, they returned verdicts on count 3, 6, 7, 8, 9 and 10 (convicting TC Senior and PC, but not agreeing their verdict on TC), 11, 12, 14, 16 and 17, (acquitting JJC, and being unable to agree their verdicts on the four other defendants), 18 and 19. Thereafter they were unable to reach majority verdicts on the remaining counts. The total sentences imposed on the defendants were: JC 4 years imprisonment. JJC 11 years imprisonment. Sentencing on PC and TC (Senior) was adjourned pending retrial of the counts on which the jury failed to return verdicts. TC Junior, JC and JC were not convicted of any offence. There will be retrials of some of the counts where the jury was unable to agree. JC and JJC seek leave to appeal against conviction and sentence, and PC and TC (Senior) seek leave to appeal against conviction. The case has been referred to the court by the Registrar. Leave to appeal is granted on the main ground which we shall address immediately. A broad summary of the essential facts 7. 8. The indictment addressed a broad prosecution case that TC Senior, his children and his son in law recruited vulnerable adults to work for them on the pretence that they would be paid, fed and housed. Once caught in the clutches of the appellants, many of them had no means of escape. They were forced to carry out hard physical labour, for extensive hours, without payment. They were subjected to physical violence and the threat of violence to secure compliance with the demands of the C's family, and to instil fear of retribution into them if any one of them should try to leave the site of operations. In effect they were held against their will at a succession of travellers' sites. It was not necessary to prove that

the complainants were physically detained or imprisoned because they were controlled by threats, exploitation and indeed infantilisation so that each of them was deprived of the resources and will to get away. By contrast the defence case was that the complainants and those who have worked for them had lied or exaggerated. They were properly employed, and free to leave if they did not like the arrangements. They were not compelled to work. No violence or threats were made to them. They were neither in servitude nor was their labour forced. Part of the defence case was that the complainants had encouraged each other, and had been encouraged by the police to believe or to say they had been the victims of slavery, and the defence contended that the police had acted improperly, on the basis of prejudice against travellers, and that the charges were, in effect, fabricated. The timing of the raid on the appellants' homes was politically motivated, so as to create adverse media publicity prior to the now well known evictions from Dale Farm in Essex. The main ground of appeal – the jury letter 9. Before the trial began on 16 April 2012 a questionnaire was handed to the jury panel. It read: “This case concerns a travelling community. All the defendants are travellers or members of that community. Do any of you have views that would make it difficult or impossible to return verdicts based solely on the evidence?” In response one member of the eighteen potential jurors indicated that he did entertain such views and he was excused from service. Two other members asked whether their contact with travellers through work meant that they ought to be excused, although they made it clear that they themselves harboured no personal prejudice against travellers, they simply brought the facts to the attention of the judge out of an abundance of caution. There was no reason why they should not be selected to serve on the jury, and in due course they were duly sworn. After the jury was sworn the judge directed the jury in what has now become conventional language that each member of the jury was equally responsible for their verdicts, the need for fairness, to approach their task without prejudice and focussing exclusively on the evidence; and that if any irregularity occurred within the jury it should immediately be brought to the attention of the judge. They were directed that while it was open to them to discuss the evidence while they were alone, they should not reach any concluded views until they had heard all the evidence, the submissions on behalf of both sides by counsel, and the judge's summing up. Directions to this effect were repeated at a later stage of the trial, when the jury were provided with a room in which they could meet. The evidence was called in the usual way. Some nine weeks or so after the trial began, the prosecution had closed its case. Counsel for TC Senior opened his case to the jury and put the issue of prejudice against travellers squarely in front of them, in effect at the forefront of the defence case. Thereafter TC Senior and another of the seven defendants gave evidence and closed their cases. The third defendant did not give or call evidence herself. Thereafter, subject to the recall of a prosecution witness, the case of JC, the fourth defendant, was about to start. During the course of the trial the judge received a number of questions from the jury. For example, he was asked to provide a legal definition of servitude and forced labour, and while, making it clear that full directions would be given in his summing up, the judge, with the agreement of counsel, provided the jury with a working definition. Indeed, even after the jury was in retirement, one note asked him: “Does “agreement” mean that two of the defendants had to have actively committed the offence, e.g. coercion, or could one of them have actively have done it and the other just known about it? Are they both then guilty?”

This question went to the heart of some of the issues for decision by the jury. Throughout the trial a series of questions from the jury was also directed to the factual evidence. The judge was to note that a significant number of those questions were directed to the evidence of the witnesses for the prosecution and could “reasonably” be viewed as favourable to the defence. On 13 June one member of the jury made a request to speak to a member of the court staff. That fact was reported to the judge, and he directed that if the juror wished to draw anything to the attention of the court, it should be communicated in writing. On the following day the judge received a letter which he immediately drew to the attention of all counsel. Until then there had not been the slightest indication of any jury problems. 10. 11. 12. 13. 14. 15. The letter includes the following passage: “Throughout the trial and especially since we were given a room, it has become quite obvious that certain jurors, not all, are quite anti-traveller/prejudiced. These people have seemed to take on a ring leader role and are extremely strong characters. One in particular had admitted to knowing his verdicts were all guilty over a month ago and recently admitted this to the whole jury. I simply said this was exactly what we were told not to do and questioned him on how he could be so sure after not hearing both sides. I said I thought this was very unfair of him which obviously angered the juror and he started to quite aggressively fire questions my way like “how can you say that after what we have heard, how do you explain this then” and almost demanding I explain some of the things he was saying. By this point nobody was saying anything and I decided to just keep quiet as I felt quite embarrassed and slightly stupid. On occasions I have not been spoken to for the rest of the day if I expressed an opinion they do not agree with resulting to them shouting down at me. I speak for myself in this letter but a few others have been spoken to rudely and inappropriately too. I once sent a question up which I believe was a normal query but was told after it was not right, I make it obvious I am defending the defence and the family. I had not thought anything like that from the simple question I had asked, I explained I was not here to defend either, I just wanted to clear something up in my mind by asking the question regarding if witnesses were prepped ever before interview. They are stereotyping the family based on what they know or have heard about travellers in general, and the children going to school with traveller children or seeing one have an argument in the pub. Using the families past convictions (which have been disclosed in the course of this case) to back off on their thoughts on travellers by saying things like “that’s what they, travellers, are just like, well you can tell what type of family they are,” this came from one after hearing about the tax and fraud issues. Those few jurors like myself were trying so hard to look at them as people and not travellers it’s making it very hard. The room is used solely for convincing us now”. 16. 17. This was a note or message from and signed by a single juror. No other juror suggested that there were any concerns about proceedings in the jury room. None of the others suggested that they had been bullied, or indeed that they had seen or perceived any bullying of the juror who wrote the note. The judge himself remained acutely conscious of the risk of prejudice, and while considering the appropriate course of action with counsel in court, said that the letter had come as a shock to him. It was submitted on behalf of the defendants that once the court received a letter in the terms of this particular letter, then without any more ado, the jury should be discharged. That indeed was the submission made to this court. The judge rejected the proposition which, he suggested, did not represent the relevant legal principle. He examined the relevant authorities bearing on his

decision. They are carefully analysed in his ruling, again, without any criticism directed at this analysis.

18. 19. 20. In his ruling the judge said that while observing the jury during the previous nine weeks he had formed the view that they were approaching their task with “real diligence and application and there have not been any signs of disharmony”. He warned himself that appearances might be deceptive, but added, and it was not challenged, that very many of the jurors were plainly “taking and continue to the present time to take copious notes of all the evidence” which, as the judge put it, “indicates that they have not formed a concluded view as to guilt, whether as a result of prejudice against travellers or otherwise”. The judge approached the problem on the basis that, although he should take the letter from the single juror at its face value, there was what he described as tangible evidence to suggest that it was not an accurate representation of what was happening. For example, if it was right, it meant that one or more members of the jury had given a false answer to the question asked before they were empanelled about possible prejudice against travellers. The continuing flow of questions from the jury, many of them favourable to the defence, and indeed a then very recent request for a definition of conspiracy did not, as the judge put it, “make much sense”, if the jury was not approaching its responsibilities in an appropriate way. After summarising all these considerations in his ruling that the trial should continue, the judge added that there were “many possible explanations as to why the letter has been written in those terms. Leaving aside sinister reasons of which there is no evidence, there can be innocent ones, such as over-sensitivity or misunderstandings or impressions gained in the cut and thrust of jury debate”. The judge directed himself that the question was whether there was a real possibility or real danger of bias. He recognised that while a fair-minded and informed observer would read and take the letter he had received at face value, he or she would also have in mind the conduct and behaviour of the jury throughout the trial. These were inconsistent with the complaints made in the letter. He was satisfied that what he described as a “stern and clear direction to the jury was the right remedy in the circumstances, and this would dispel any reasonable impression that might have been formed of a lack of impartiality”. He went on that “If it is correct that there are one or more than one members of the jury who are misbehaving or prejudiced in the way that’s described in this letter then I have faith that the others within the jury, ... who are not of that mind would bring the matter to my attention.” Having made his decision, the judge then gave further directions to the jury. He reminded them of their continuing duties as jurors, and their obligation to consider the evidence as a whole before reaching their verdicts and keep open minds until the end of the summing up. He addressed the issue of prejudice directly. He warned them that “prejudice whether against travellers or other ethnic groups is a real issue in society. When you consider the evidence you must not bring any emotions or pre- conceived ideas into that process. You must not approach the task you have in considering the evidence with any degree of prejudice, whether against travellers or anyone else. You must not stereotype any one because of their culture or background, you must approach the task objectively and

dispassionately and in your deliberations, whether they are preliminary as the evidence unfolds, or in deliberations when you are considering your verdicts, you must concentrate on the evidence.” He then went on to direct them that each member of the jury was equally responsible for the verdicts that would be delivered. “It may be that there are different views expressed about parts of the evidence or the evidence as a whole. ... Each person must be permitted to express their views and must be listened to respectfully and attentively. There must be an exchange of views and even perhaps fierce debate, but all must remain within the proper bounds of discussion rather than improper pressure or bullying.” 21. Finally he directed them that if any member of the jury felt unable to deal with the case in accordance with those directions then it was their duty to say so. It was also the duty of any member of the jury to report behaviour by any other juror or jurors which he considered was irregular, and inconsistent with the directions he had just given and the oath or affirmation each one of them had taken. If there was anything of that nature it was the duty of each juror to say so and draw it to the attention of the judge, “confidentially in writing as soon as possible”. 22. The trial proceeded without any expression of concern by any of the twelve jurors.

23. When the judge came to sum up the case, his directions on the issue of possible prejudice were as clear and unequivocal as they had been throughout the trial. He directed the jury at the very outset about the requirement to exclude prejudice from their consideration, focussing objectively and dispassionately on the evidence and nothing more. Given the nature of the defence he had to address the issue of prejudice, pointing out that the defence case was that the prosecution was a conspiracy by the police, and that the evidence was false evidence gathered as a result of inappropriate or misconceived procedures. He directed the jury that if there was or maybe a conspiracy by the police to gather inappropriate evidence, or that the evidence gathering procedures might have been flawed, then the jury might conclude that the entire prosecution case would be undermined. He added that the jury should not be diverted from considering the evidence, and nothing else, on an objective and dispassionate basis, and that in law, “no racism or prejudice is acceptable, and that the law that combated discrimination and prejudice can be and was invoked by “many individuals from all ethnic groups”. These directions were not deficient in any respect. 24. 25. 26. The jury retired, and in due course returned the verdicts summarised at the beginning of this judgment. Although it would not be conclusive of the issue which we have to decide if the jury had convicted each and every defendant of every one of the offences the offences charged against them, the reality is that the verdicts of the jury show that each count against each defendant was approached with great care, exactly as directed by the judge considering each count and each defendant separately. Some “not guilty” verdicts were returned. Some of these acquittals related to the most serious incidents relied on by the Crown. Some “guilty” verdicts were returned, some unanimously, and some by a majority, and indeed in many cases the jury was unable conscientiously to agree even a majority verdict. The submission on behalf of the appellants is simple. Once the letter had been received, the jury should have been discharged. No other course was or could have been appropriate. At the very least there was a real possibility that the defendants were not receiving a fair trial.

Unless the judge examined the veracity of the writer of the letter, it had to be accepted on its face value. Moreover if the judge wrongly allowed the case to continue, his directions to the jury were inadequate. Any fair-minded and informed observer would conclude that there was a real danger that the jury was or would be biased, or at any rate, that one member of the jury was biased. In support of the submission attention was drawn to a number of authorities including *R v Mirza*, *R v Connor and Rollock* [2004] 1 AC 1118, *R v Smith and Mercieca*

[2005] 2 Cr. App. R 10 and *R v Thompson and Others* [2010] 2 Cr. App. R 27. We have reminded ourselves that in *Smith and Mercieca*, the reasoning of the European Court of Human Rights in *Remli v France* (1996) EHRR 16839/90 *Gregory v UK*

[1998] 25 EHRR 577 and *Sander v UK* [2001] 31 EHRR 44, and in *Smith* the reasoning in *Gregory and Sander* were addressed and fully reflected in the judgments. 27. The essence of the submission was summarised by a citation from *R v Heward* [2012] EWCA Crim. 890 at para 12 that: “If the fair minded observer would conclude on the available evidence that there was a real possibility of a real danger that the verdict was at least in part the produce of bias “the verdict should be regarded as unsafe”.”

28. Moreover it was argued, great care should be taken not to attach inappropriate weight to the verdicts eventually returned by the jury. Whatever else they may reveal, they do not exclude the possibility that one member of the jury was so profoundly prejudiced that he (or she) voted for a guilty verdict on every single count. In the end, much of the oral argument turned on the way to address the presence on the jury of a single member committed to conviction whatever the evidence. These considerations demonstrate that the judge had no available choice: he had to take the contents of the note as true, that is an accurate account of what was happening in the jury room, and the only proper course was the discharge of the jury. 29. 30. 31. 32. This contention is problematic. It means, for example, that a member of the jury, finding himself or herself in a minority may bring the trial to a halt by writing a measured letter to the judge complaining of irregularities by the other members of the jury. The difficulty was addressed in the House of Lords in *R v Smith and Mercieca*. During retirement, a juror wrote a note to the judge complaining of the way that jurors were being “badgered, coerced and intimidated into changing their verdict”, and that they were being put under pressure to engage in what was described as “horse trading” with the “coercive” group of jurors, in effect, betraying their oaths by ignoring the evidence and the judge’s directions. The judge gave a “powerful” direction to the jury to bring any such misconduct to a halt. The House of Lords concluded that on the facts of the particular case it would have been inappropriate for the judge to question the jurors about the content of the note, and underlined that, faced with the contents of the note, he was faced with the alternative, whether to discharge the jury or give them further instructions to underline and re-emphasise their responsibility to discuss the issues in a way which would lead them to “confine their deliberations within the proper bounds of discussion”. It was submitted that *Smith and Mercieca* should be approached with caution, because the allegations made by

the juror were not concerned with racial or ethnic bias. Seriously as such bias, or even potential bias, should be approached (a factor which the judge never minimised at any stage in this case), the irregularities complained of in Smith were serious irregularities and similar to the matters complained of here: that is jurors, for whatever reason, deliberately choosing to ignore the evidence on which their verdicts should be based. The problem was bias. The question for decision in Smith and Mercieca was whether “lawful and unbiased verdicts” could be reached, notwithstanding the bias alleged, and the decision of the judge to continue with the trial, with appropriate directions, was consistent with principle. Precisely the same approach was adopted in Thompson and Others [2010] 2 Cr. App. R27, where six unrelated cases, all concerned with issues of alleged jury irregularity, were considered. The principles derived from Smith and Mercieca were applied to a variety of different factual circumstances. Faced with any jury irregularity the judge was required to consider a range of options. None followed automatically. 33. The receipt of any communication by a juror or jurors complaining of possible irregularities by or among the other jurors demands rapid and close attention. It 34. 35. behoves the judge to decide whether the integrity of the trial process has been irretrievably damaged or whether the trial can continue notwithstanding the complaints. Depending on the individual facts it may be appropriate for the judge to discharge the jury as a whole, or one or more individual members of it, or to continue with the trial, with any necessary direction or warning sufficient to deal with the specific problem. The question for this court is whether the alternative adopted by the judge was correct, which, if the trial has been allowed to continue must be decided at its end, when the warning or directions of the judge, and their impact and any consequences can all be examined. In this case the letter reflected the complaints of a single juror about the behaviour and approach of a number of her colleagues. The judge was, of course, not a party to what was happening in the privacy of the jury room, but he had been responsible for the proper conduct of a trial in which, from the very outset, he had addressed the issue of possible prejudice, and when the allegation of prejudice was at the very forefront of the defence case. From the outset therefore he was alert to all the potential problems and for nine weeks into the trial nothing gave him cause to suspect the possibility of prejudice among the jurors. Rather, the jury appeared to him to be attentive and careful, approaching its responsibilities with utmost seriousness, focussing on the evidence and seeking his assistance from time to time to enable them to focus properly on their responsibilities. He was not bound to discharge the jury because of the letter, however troublesome its contents signed by one juror. Equally it would have been inappropriate for him to try and conduct an investigation into what had been happening in the jury room, not least because the juror expressing her concern had done so after the allegation of prejudice had been raised in the course of what was no doubt a powerful opening speech to the jury at the start of the defence case when it might very well have been the subject of lengthy and serious discussion among jurors in their own room. Certainly it would have been unsurprising if such a crucial issue to the defence case had been ignored. The judge’s alternative was to let the trial proceed, first, by using the most unequivocal language to address issues raised by the complaint (which he did) and, second, by reminding every juror who was unhappy with

the way proceedings were being conducted in their room, of their entitlement, indeed obligation, to draw his attention to any inappropriate jury observations or behaviour. This is what he did. The trial continued. There was no further intimation to the jury bailiff of any concern by the juror who had written the troublesome letter. No juror thought it appropriate to add his or her concerns either in the light of the judge's direction, or at any stage thereafter. The jury was in lengthy retirement, covering many days, during the course of which the judge received a carefully crafted question relating to the application of the legal principles relating to conspiracy as it might apply to the facts of the case, but nothing to suggest that there were any problems with the jury's proper approach to their decisions. The verdicts themselves underline that far from a blanket series of verdicts suggestive of prejudice, the verdicts, and the inability of the jury to agree some of them, were all consistent with the conscientious and unimpeachable approach to the jury's responsibilities. 36. Our conclusion is that Judge Kay handled the problem presented to him impeccably, and that his assessment of the integrity of this particular jury was amply justified. In the context of alleged jury bias, there is no reason to doubt the safety of the guilty verdicts returned by this jury. The remaining grounds of application

37. We must turn to the other matters raised in support of the application for leave to appeal. It was submitted on behalf of JJC and PC that, towards the end of his summing up, when dealing with some of the issues the jury might wish to consider, they were left in no doubt as to the adverse view formed by the judge of the defence case.
38. We have looked carefully at the part of the summing up on which our attention was focussed. (Vol. V p231-241). The judge was plainly concerned to draw some of the issues together. Among them was the defence contention that the police, motivated by the bias and prejudice against the travelling community to which we have referred, had engaged in a "witch hunt" based on false evidence. Having identified these issues, the judge summarised the evidence and the arguments. He directed the jury that if they thought there was or might have been, any such prejudice or bias, or that the evidence-gathering procedures were inappropriate, then these might well undermine the entire prosecution case. If however they excluded these considerations, then they might wish to consider why the allegations had been made and whether this might be because the defendants had a genuine, but mistaken, belief in what they were contending, or because they might be seeking to divert attention away from the real issues. If this last consideration applied, the jury should not allow themselves to be diverted from considering the evidence "on an objective and dispassionate basis". He further directed them that there was no hierarchy of prejudice or racism, concluding, "in law, no racism or prejudice is acceptable". 39. 40. 41. 42. 43. This did not constitute a misdirection, nor support the contention that the judge was being unfair or that he improperly sought to influence the verdict of the jury. On behalf of JC two submissions are advanced. First, the judge was wrong to allow the admission in evidence from one of the witnesses, CT, and second, a distinct submission, that he erred in ruling that there was a case for her to answer on counts 7 and 19. Dealing with the first point, the judge had ruled early in the trial that evidence about events which took place before the period

covered by the indictment which amounted to servitude or ill-treatment if they had occurred within the indictment period, would be admissible. Dealing with it broadly the ruling is not challenged. Objection was taken to his evidence on the basis that although it provided evidence of the “general atmosphere” at the site, there was a risk, which it was said proved to be a real risk, that the jury would simply treat it as evidence of propensity to commit particular acts of violence. In our judgment this evidence was relevant and admissible to the issues, and in particular whether prosecution witnesses who had given evidence of violent ill-treatment had been induced by the police, or other authorities, to provide what was suggested to be false evidence. Moreover, the judge was entitled to approach the problem on the basis that any concerns the defence might wish to advance about the evidence could be properly tested during the court process. As to the submission that the judge was wrong to rule that there was a case for JC to answer, it was submitted that these counts related to work that was carried out away from the caravan sites, and that consequently, as JC was not present when the work was being done, she could not be fixed with criminal responsibility. In his ruling the judge observed that the counts were framed broadly and that there was clear evidence of her involvement in the arrangement by which workers were required to carry out forced domestic labour. The judge summarised the evidence. He ruled: “In any event, even if that is wrong, it seems to me that there is sufficient evidence on which a jury could properly convict ... [on the basis that] JC knew full well why it was that those two workers were on her yard and what they were doing when they left the yard. There is evidence of her being involved in recruitment ... and it seems to me that the evidence there was violence either committed by JC or violence committed by JJC, when JC reported matters to him, ... sufficient to indicate that she has played a part in those physical or mental restraints which are alleged”. 44. 45. 46. In the summing up the extent of the evidence linking JC to the entire system of forced labour was underlined. She was instrumental in receiving M (count 7) off the street and reducing his drinking; she was present on a number of occasions when he was beaten, one of which arose after he broke one of her favourite vases; she was present in the car when he was stealing bricks and loading them into the car at her husband’s order. She directly reinforced his isolation from other workers on the site, reporting the fact that he had been in “forbidden” conversation with them. DP described how he was kept on the site by JJ and JC. The degree of dominance was extreme. She told him that if he ever used their toilet “they would break his arms and legs”, and on another occasion she told him, “I’ll get someone to murder you if you try to run off”. She was present in the family car on an occasion when DP was made to travel in the boot. There was ample evidence called by the prosecution to establish that JC was a full and active participant in the system of forced labour, as alleged in these counts, whether or not the actual work was performed on the site or off it, or in his presence or her absence. The appeal against conviction on the single ground on which leave to appeal was given is dismissed. The remaining applications for leave to appeal against conviction are refused. Sentence 47. The applications were adjourned pending the outcome of the retrials.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://caselaw.nationalarchives.gov.uk/ewca/crim/2013/368>

CASE PAGE <https://chat.esheria.ai/case-law/england-and-wales/jc-and-ors-v-r-2013>

Prepared on 26 October 2026 · Esheria