

ENGLAND AND WALES / JUDGMENT

R v Jade Reeves

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

WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice. This Transcript is Crown Copyright. It is not to be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved. Royal Courts of Justice IN THE COURT OF APPEAL CRIMINAL DIVISION The Strand London WC2A 2LL ON APPEAL FROM THE CROWN COURT AT ISLEWORTH (HIS HONOUR JUDGE DAVIS) [T20121012] Case No 2025/01709/B4 Friday 20 February 2026 Neutral Citation: [2026] EWCA Crim 321 B e f o r e: LORD JUSTICE POPPLEWELL MR JUSTICE PICKEN HIS HONOUR JUDGE MANSELL KC (Sitting as a Judge of the Court of Appeal Criminal Division)

R EX

- v – JADE REEVES

Computer Aided Transcription of Epiq Europe Ltd, Lower Ground Floor, 46 Chancery Lane, London WC2A 1JE Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

Miss K O'Raghallaigh appeared on behalf of the Applicant Mr S Trefgarne appeared on behalf of the Crown

J U D G M E N T (Approved)

Friday 20 February 2026 LORD JUSTICE POPPLEWELL:

1. This appeal is a timely reminder to those involved in cases alleging offending by persons aged under 14 occurring prior to 30 September 1998 of the need to address the presumption of *doli incapax* and its rebuttal, both in evidence and by way of direction to the jury.
2. *Doli incapax* was a longstanding rule of the common law, which was prospectively abolished with effect from 30 September 1998 by section 34 of the Crime and Disorder Act 1998, but which continues to apply to conduct which occurred before that date. In relation to an offence alleged to have been committed by a person when under 14, it requires the prosecution to prove not only the *actus reus* and *mens reus* of the offence charged, but also that the person knew that what they were doing was seriously wrong and not merely an act of naughtiness or childish mischief. In the absence of proof of such guilty knowledge there is a presumption that the person was incapable of criminal wrongdoing, which is what *doli incapax* means. In order to prove such guilty knowledge, it is necessary for the prosecution to adduce evidence beyond the mere proof of the doing of the act charged, however horrifying or obviously wrong such act might be. The jury must be directed of the need for such separate evidence and that they can only convict if they are sure that such evidence is accurate and that it establishes knowledge by the defendant that what they were doing was seriously wrong. These principles have been authoritatively established in many cases over the centuries, most recently in *C (a Minor) v Director of Public Prosecutions* [1996] AC 1 (see especially per Lord Lowry at page 38C – 39B); *R v H* [2010] EWCA Crim 3112 at [36]; *R v M(D)* [2016] EWCA Crim 674, [2016] 2 Cr App R 20 at [16] and [28] – [30]; and *R v PF* [2017] EWCA Crim 983 at [9] and [14] – [28]. 3. In this case, following a trial in the Crown Court at Isleworth in 2013 before His Honour Judge Davis and a jury, the female applicant was convicted of eight counts of historical sexual abuse.
4. The Registrar has referred to the full court the applicant's application for a lengthy extension of time in which to seek leave to appeal against conviction. We grant the extension sought and we grant leave to appeal. We will refer to the applicant as the appellant.
5. There were three complainants, to whom we will refer as "C1", "C2" and "C3". They are entitled to lifelong anonymity pursuant to the provisions of the Sexual Offences (Amendment) Act 1992, such that no matter relating to them shall during their lifetime be included in any publication if it is likely to lead members of the public to identify them. This prohibition applies unless waived or lifted in accordance with section 3 of the Act.
6. C1 and C2 are twin sisters who were born on 17 September 1988. C3 is their younger sister, born on 2 August 1990. Each of the counts charged indecent assault, contrary to section 14(1) of the Sexual Offences Act 1956. The counts were framed by reference to the age of the complainants, and the indictment periods reflected their birthdays. The indictment particulars were as follows: Count 1: the appellant made C1 perform oral sex on her between 17 September 1995 and 16 September 1996, when C1 was aged 7. The appellant was born on

23 September 1982, and so was aged 12 – 13 during this period. Count 2: the appellant made C1 perform oral sex on her between 19 September 1996 and 16 September 1997, when C1 was aged 8. The appellant was aged 13 for the first part of this period and 14 for the remainder. Count 3: the appellant made C1 perform oral sex on her between 17 September 1997 and 16 September 1998, when C1 was aged 9. The appellant was aged 14 – 15 for this period. Count 4: the appellant made C2 perform oral sex on her between 17 September 1995 and 16 September 1996, when C2 was aged 7. The appellant was aged 12 – 13 during this period. Count 5: the appellant made C2 perform oral sex on her between 17 September 1996 and 16 September 1997, when C2 was aged 8 (the indictment said aged 9, but it is common ground that this was a slip. Count 7 covered the offending against C2 when she was 9, and the dates in this count reflect the period when C2 was aged 8). The appellant was aged 13 for the first part of this period and 14 for the remainder. Count 6: the appellant made C3 perform oral sex on her between 2 August 1996 and 1 August 1997, when C3 was aged 6. The appellant was aged 13 for the first part of this period and 14 for the remainder. Count 7: the appellant made C2 perform oral sex on her between 17 September 1997 and 16 September 1998, when C2 was aged 9. The appellant was aged 14 – 15 for this period. Count 8: the appellant licked C1's vagina between 17 September 1995 and 16 September 1998, when C1 was aged between 7 and 10 (in fact C1 was aged between 7 and 9 on those dates). The appellant was aged between 12 and 15 during this period.

7. Counts 1 to 7 were specimen counts to reflect what were alleged to be multiple occasions over the relevant period. Count 8 was a specific event count. In relation to counts 1 to 7, the jury were directed, both in written directions and in the oral summing up, that they could convict if they were sure that the alleged conduct occurred at least once during the indictment period. In relation to count 8, they were directed that they could convict if satisfied that the alleged conduct took place within the indictment period.
8. C1 and C2 first made a complaint about the appellant's alleged offending to their mother in early 2011. At trial the defence was that none of the alleged conduct had taken place and that the accounts by C1, C2 and C3 were collusively fabricated. The appellant gave evidence in support of her case.
9. The question of doli incapax was not addressed by anyone at the trial. It was only in the course of preparing an application for the removal of a Sexual Harm Prevention Order in 2023 that the appellant's solicitors, who had not been the trial solicitors, noted the absence of any direction on the question. Inquiries of counsel and solicitors involved in the trial confirmed that it was simply overlooked by everyone. No direction was given to the jury in relation to it.
10. The sole ground of appeal is that for counts 1 and 4 the appellant was under 14 for the entirety of the indicted period of offending, and that for counts 2, 5, 6 and 8 she was 13 for part of the indicted period and is entitled to be treated on the assumption most favourable to her that the convictions reflect conduct during that part of the indictment period when she was 13. Accordingly, in the absence of any direction on doli incapax, the convictions on

those counts must be quashed as unsafe. That does not apply to counts 3 and 7, which allege conduct when the appellant was aged 14 or 15.

11. In the written grounds, Miss O'Raghallaigh, who has appeared for the appellant before us but did not do so at trial, submitted that the convictions on counts 3 and 7 were tainted by the unsafety of the convictions on the other counts and were themselves therefore also unsafe.
12. Mr Trefgarne, who has appeared for the Crown before us, but did not do so at the trial, very properly accepts that there should have been a *doli incapax* direction in respect of counts 1, 2, 4, 5, 6 and 8. Moreover, the Respondent's Notice confirms that there was no evidence before the jury which could have rebutted the presumption of *doli incapax*. Accordingly, he does not argue that the convictions on those counts are safe. He maintains however that that does not affect the safety of the convictions on counts 3 and 7, which allege conduct during an indictment period when the appellant was aged 14 or over.
13. Accordingly, the only contentious issue which appeared to arise on the papers was whether the convictions on counts 3 and 7 should stand. However, Miss O'Raghallaigh confirmed that she did not pursue that aspect of the grounds, having notified the court of that stance in a written note yesterday. She was right not to do so. The fact that the appellant may have been *doli incapax* when under 14 has no bearing on her guilt of offences committed once she was 14, for which all that was required was proof of the *actus reus* and *mens rea* of the offences.
14. The judge gave a standard direction on cross-admissibility, but since the jury must have been satisfied of the *actus reus* and *mens rea* of the offences charged in counts 1, 2, 4, 5, 6 and 8, it would make no difference to cross-admissibility if they had acquitted on those counts on the basis that they were not satisfied that the appellant knew the conduct to be seriously wrong. The defence was that the conduct alleged on all occasions had not occurred. If the jury were sure that it had occurred on the occasions covered by counts 1, 2, 4, 5, 6 and 8, as by their verdicts they must have been, then that was probative as cross-admissible evidence that the same conduct occurred on the later occasions charged in counts 3 and 7. *Doli incapax* is logically irrelevant to such probative cross-admissibility.
15. According, we extend time and quash the convictions on counts 1, 2, 4, 5, 6 and 8. We do not do so on counts 3 and 7. To that extent the appeal is allowed.
16. Mr Trefgarne has confirmed on behalf of the Crown that no retrial is sought in relation to the convictions which are quashed.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof. Lower Ground Floor, 46 Chancery Lane, London WC2A 1JE Tel No: 020 7404 1400 Email: rcj@epiqglobal.co.uk

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/2026/321>

CASE PAGE <https://chat.esheria.ai/case-law/england-and-wales/r-v-jade-reeves-2026>

Prepared on 26 October 2026 · Esheria