

IN THE SUPREME COURT

B E T W E E N :

HARRISON

Appellant

V

REGINA

Respondent

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**Problem Question**

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**Facts**

Lisa Harrison and two of her friends, Kayleigh Jones and John Doe, went out in to Manchester City Centre to celebrate Kayleigh's birthday.

At 2am, after an enjoyable evening out, the three friends got into a car which they believed to be a taxi in order to go home. The driver of the car, however, was in fact a member of a dangerous local gang masquerading as a taxi driver. The three friends were instead taken to a wooded area where three other men were waiting. Lisa, Kayleigh and John were brutally beaten by the three men and all their valuables were taken away from them. They were also subjected to repeated taunts and threats that they were going to be killed.

The attack on the three friends lasted for approximately half an hour, at which point John attempted to escape in order to get help. Unbeknown to anyone else, John then managed to dial 999 from his mobile phone. The gang soon captured John again and responded by stabbing him in his right forearm with a penknife and tying him to a tree. One of the gang members then pulled out a loaded gun. Another gang member grabbed Lisa and restrained her. Lisa was told that she must shoot John, and the loaded gun was forced in to her hand. She initially refused to take it, but the person restraining her then continued to make verbal threats that she would be killed if she did not do so.

Lisa reluctantly took the gun in her hand. Before she put her finger on the trigger and before she aimed the gun, she shouted to the gang, "*You disgust me, all of you. You think you are tough, but deep down you are nothing more than little scumbag cowards, and you need me to do your dirty work for you! But, his blood is on your hands, not mine!*" She then turned towards John, but before she was able to put her finger on the trigger and aim the gun, the police arrived and arrested everyone present at the scene.

Kayleigh and John were soon released without charge. The gang members were all charged and eventually convicted of various offences. Lisa was charged with Attempted Murder.

At her trial, the Learned Judge Westwood directed the jury that they should find Lisa guilty of attempted murder, provided that they were satisfied that when she took the gun and prepared to aim it, she intended to kill John. The Learned Judge also directed the jury that duress was no defence.

Lisa was convicted by the jury.

In the lower court

Lisa's appeal was dismissed by the Court of Appeal.

The present appeal is on two grounds:

Lisa now appeals, with leave, to the Supreme Court on the grounds that the trial judge misdirected the jury, as follows:

1. The Learned Judge erred in his direction as to what the jury must find before they could convict Lisa of attempted murder;
2. The Learned Judge erred in his direction in this case that duress was no defence to attempted murder.