

LM HUGHES v DPP [2010] EWHC 515

Several people had been seen running from a stolen car that had been taken and abandoned. The police were told that Hughes was near the scene. An officer found Hughes in an intoxicated state, asked her if she had been in the car and cautioned her. She admitted being in the car and identified the driver.

She was arrested and subsequently charged with aggravated vehicle taking. At her trial, the magistrates found, among other things, that there had been no interview between Hughes and the police officer at the scene, so there had been no breach of the PACE Code of Practice C. They allowed Hughes's replies to the officer to be admitted in evidence. She was convicted.

On appeal Hughes argued that the officer's questioning of her was infact an interview, and, as she had been intoxicated at the time, the magistrates had been wrong to admit the evidence.

Held Appeal dismissed, conviction upheld.

The magistrates were entitled to find that the exchange between the officer and Hughes was a conversation, not an interview. It had been understandable that the officer was unsure whether she was involved, when he first spoke to her. It was reasonable for him to ask an initial question about her connection with the offence and the circumstances.

The magistrates had also been entitled to admit evidence of the officer's questioning of Hughes. They had decided that, although he had been aware that she was intoxicated, she understood his questions and volunteered the answers quite readily. The officer had given credible evidence that was supported, to some extent, by Hughes's answers. It didn't sound like her statements were of someone who was so intoxicated that she did not know what she was doing.

*The interpretation and comments made within this document are not to be considered as legal advice.
Reference should always be made to the original case.*