

R v MOORE & BURROWS [2013] EWCA Crim 85

This appeal is about the issue of entrapment. It is submitted on behalf of the appellants that they were entrapped by undercover police officers into supplying cocaine. Their two cases are very different. Mia Moore was charged with six counts of supplying cocaine, two counts of being concerned in the supply of cocaine, two counts of handling stolen goods, and one count of delivering counterfeit £10 notes. The offences took place over a period beginning on 8 September 2010 (the first of the supplies of cocaine) and ending on 28 February 2011 (the counterfeit notes).

Ben Burrows, however, was simply caught up in one of the supplies of cocaine, that of 11 February 2011, because he happened to be with Mia Moore that day, went with her to collect the drugs and actually handed the drugs over to the police officer. (Ms Moore was actually in the bath). He was charged with supply and she was charged with being concerned in supplying on that occasion.

Both appellants applied at trial to have the indictments against them stayed for abuse of process on the ground of entrapment. Mr Burrows' case is entirely dependent upon Ms Moore's. Ms Moore's case is premised on the role played by the undercover police officers in supplying her with cheap goods from whose on-sale she could profit. It is submitted that, although she was not a target of the undercover operation and was not suspected of any relevant offending, she had been groomed into a situation of dependence on such cheap goods; that she was poor and vulnerable, and it was in this context that one of the undercover police officers first asked her about where he could obtain cocaine. That was the vital first question, from which all else followed.

It is submitted that in this context she was 'lured' into the commission of crime in the sense described by the leading authority of *R v. Looseley, Attorney-General's Reference (No 3 of 2000)* [2000] UKHL 53, [2001] 1 WLR 2060.

Mia Moore was offered an opportunity, which she seized 'immediately and resolutely' despite the officers seeking to distance her from it. Her appeal could not succeed; as such Ben Burrow's appeal could not succeed either. Both appeals were dismissed.

Five principles as outlined by Professor Ormerod in "Recent Developments in Entrapment", (2006) Covert Policing Review 65 were applied to the facts of the case.

*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.*