

R v Zerei (2012)

Corcoran v Anderton (1980)

- D and another man approached V, whom they knew, and told him that they were going to take his car
- D then pulled a knife, punched V and took his car keys
- D drove the car off but abandoned it under a mile away
- D was convicted of robbery but appealed. The judge had failed to direct the jury that D had abandoned the car not far away => appeal was successful

- Ds knocked a woman to the ground and grabbed her handbag
- She screamed and held on to the bag => they let go of the bag and ran off empty handed
- An appropriation had taken place with the relevant dishonest intent to permanently deprive + it was irrelevant that they left empty handed or that they never gained full control of the bag since touching property is sufficient to amount to an appropriation => convicted of robbery

= having committed a completed theft (having all elements of theft)

R v Dawson and James (1976)

- One of the Ds nudged a man so as to make it easier for the other D to take his wallet from his pocket
- Ds appealed contending that nudging fell short of using force
- The Court of Appeal said that force is an ordinary word and it is up to the jury to decide if there had been force.
- More is needed than to take the property from a passive victim as in snatching a handbag from an unsuspecting victim
- More is needed than the force used to pick a pocket
- Convicted of robbery/manslaughter

R v Clouden (1987)

- D approached V from behind whilst she was carrying a shopping basket in her left hand
- D wrenched a shopping bag from a woman's grasp
- D didn't physically touch the woman herself
- The force used on the bag was sufficient to amount to force on a person
- Convicted of robbery under section 8(1) Theft Act 1968

Not necessary that the force be applied. Putting V in fear of being there and then and subject to force is sufficient enough for robbery => threatening words and gestures are enough

V doesn't need to be frightened => the fact that D sought to put V in fear is enough



Defined in s.8(1) of the Theft Act (TA) 1968

No clear case on this; if the force is separate from the theft => no robbery

Stealing, and immediately before or at the time of doing so, and in order to do so, using force on any person or putting or seeking to put any person in fear of being then and there subjected to violence

MENS REA (MR) = MR for theft + intention to use force to steal

R v Robinson (1977)

- D was owed money (£7) by a woman
- D went to ask her for it and a fight developed between D and the woman's husband
- During the fight a £5 note dropped out of the husband's pocket => D picked it up and kept it
- D was convicted of robbery and appealed
- Conviction was quashed = no theft under s.2(1)(a) since the defendant had an honest belief that he was entitled to the money

If an element of theft is missing, such as dishonest appropriation then there has been no robbery. This is because there must be a completed theft.

Theft must have been committed so as to have robbery; if one of the robbery elements is missing, then the offence is theft

Sentence is maximum life imprisonment

Understanding D's nature of conduct

R v Hale (1979)

- Two Ds broke into a woman's home
- D1 went upstairs and took some jewellery from her bedroom.
- After taking the jewellery the two of them tied her up
- Force was used to stop a woman raising the alarm while her jewellery box was being stolen
- A substantial part of the force took place when the box was in the thieves' possession
- Therefore, violence may come after the act of theft, so long as it is part of the "event" of stealing

R v Lockley (1995)

- D was caught shoplifting cans of beer
- D used force on the shopkeeper, who tried to stop him from escaping
- D appealed on the basis that the theft was complete when he used the force
- CA applied the decision used in Hale (1979) => conviction for robbery upheld
- The "act of appropriation does not suddenly cease; it is a continuous act and it is a matter for the jury to decide whether or not the act of appropriation has finished"

Force must be used or threatened against a person, but not necessarily against the person from whom the theft occurs

Smith v Desmond (1965)

- D robbed a bakery in the middle of the night, whacking the night watchman and tying him up in an outside toilet + D used an oxy to open a safe and steal

