

12/1980**COURT OF APPEAL (ENGLAND)*****R v B; R v A*****Lord Widgery CJ, Shaw LJ and McNeill J****2 July 1979****CRIME - MENS REA - CHILD BETWEEN 10 AND 14 - PROSECUTION REBUTTING PRESUMPTION OF *DOLI INCAPAX* - EVIDENCE ADDUCED OF PREVIOUS FINDINGS OF GUILT AGAINST CHILD - WHETHER PROPER.**

The two appellants, aged 13, were charged with blackmail. The judge ruled that, since the burden of rebutting the presumption of *doli incapax* was on the prosecution, they were entitled to adduce general evidence of the appellants' background and character including previous convictions. Thereupon the appellants formally admitted that they were not incapable of criminal intent and called no evidence. They were convicted. On appeal against conviction—

HELD: Appeal dismissed. On the issue of the presumption of *doli incapax* the prosecution could call any relevant evidence necessary to rebut the presumption. The trial judge could exclude any evidence not relevant to the issue and that since the evidence of the convictions was relevant on the issue of the presumption of *doli incapax* in the appellants, the judge's ruling was correct.
