

20/82**COURT OF APPEAL (ENGLAND)*****R v LUCAS (RUTH)*****Lord Lane CJ, Comyn and Stuart-Smith JJ****29 April, 19 May 1981****[1981] QB 720; [1981] 3 WLR 120; [1981] 2 All ER 1008; 73 Cr App R 159****CRIMINAL LAW – EVIDENCE – CRIMINAL EVIDENCE – CORROBORATION – ACCOMPLICE.**

The fact that a jury accepts the evidence of an accomplice in preference to that of a defendant is not corroboration of an accomplice's evidence. When it is desired to use a lie told out of Court by a defendant as corroboration against him it must be in relation to a material issue, made in realisation of guilt or fear of the truth and the evidence which shows it to be a lie must be other than uncorroborated evidence of an accomplice.

LORD LANE CJ: ... [723 QB] The fact that the jury may feel sure that the accomplice's evidence is to be preferred to that of the defendant and that defendant accordingly must have been lying in the witness box is not of itself something which can be treated by the jury as corroboration of the accomplice's evidence. ... In *Tumahole Bereng v R* (1949) AC 253, 270 (*Carters Criminal Code* notes to s632 p532) Lord MacDermott said:-

"Nor does an accused corroborate an accomplice merely by giving evidence which is not accepted and must therefore be regarded as false. Corroboration may well be found in the evidence of an accused person; but that is a different matter, for there confirmation comes, if at all, from what is said, and not from the falsity of what is said."

Statements made out of Court for example, statements to the police, which are proved or admitted to be false in certain cases may amount to corroboration (see cases in *Carter Criminal Code* 5th edition – notes to S212 and S632 *supra*). Lord Goddard CJ in *Credland v Knowler* (1951) 35 Cr App R 48 said:-

"... The opportunity may have a complexion put upon it by statements made by the defender which are proved to be false. It is not that a false statement made by the defender proves that the pursuer's statements are true, but it may give to a proved opportunity a different complexion from what it would have borne had no such false statement been made."

To be capable of amounting to corroboration the lie must first of all be deliberate. Secondly it must relate to a material issue. Thirdly, the motive for the lie must be a realisation of guilt and a fear of the trust ... Fourthly, the statement must be clearly shown to be a lie by evidence other than that of the accomplice who is to be corroborated, that is to say by admission or by evidence from an independent witness ...