

## Williams & O'Hare v DPP [1994] 98 Cr App R 209 DC

### Div Court

### Agent Provocateur

In the course of a vehicle crime initiative, plain clothes officers parked an insecure van in a busy high street where there had been a high rate of vehicle crime. The van appeared to contain a load of cigarette cartons which could be seen from the rear of the vehicle. The defendants were seen walking around the van and eventually they removed cartons from it. They were duly arrested, charged and convicted. The justices concluded that the defendants had in fact incriminated themselves by their own dishonesty and not through any trick by the police posing as agent provocateurs. The defendants appealed, claiming 'entrapment' and the evidence should have been excluded under Sec 78 PACE.

Held, dismissing the appeal, the police had done nothing to force, persuade, encourage or coerce the appellants and had, therefore, **NOT** acted as agent provocateurs. The justices were therefore right **NOT** to exclude the evidence under Section 78 as the appellants had voluntarily taken possession of the goods in the absence of any pressure from the police and with the full understanding of their own dishonesty.

*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.*