

19. Disposition of Charge Against Co-Defendant

19.1 Legislation

[Last reviewed: January 2025]

Nil.

19.2 Commentary

[Last reviewed: January 2025]

Any plea of guilty by a co-defendant ought to have been entered in the absence of the jury. Should the jury learn of that plea, the jury should be instructed, in effect, that the plea of guilty is to be disregarded. A suggested direction is provided to that effect.

19.3 Suggested Direction

[Last reviewed: January 2025]

The case against Co-Defendant [insert name] has been disposed of and is no longer before you. That should not influence your verdict[s] with reference to the remaining Defendant[s].

You must base your verdict[s] solely on the evidence that relates to the remaining Defendant[s].

(Where the jury learns of a Co-Defendant's guilty plea, the following direction may be given):

[Insert name of Defendant] changed [his/her] plea to guilty of the charge of [insert charge]. Do not let that affect your views about the other Defendant[s]. The position of each must be separately considered. So put aside the fact that [insert name] has pleaded guilty. Instead, consider the case against the remaining Defendant[s] on the evidence relevant to [him/her] in deciding whether the prosecution has established its case against [him/her].