

Separate Consideration of Charges – Multiple Defendants Confronting Multiple Charges

Although the defendants are being tried together, you must give the cases against, and for, each of them separate consideration. Separately consider the evidence admitted in relation to that defendant [whether adduced against him or in his favour].¹

In respect of each charge, each defendant is entitled to have the case decided on the evidence, and on the law, that applies to him, and as it relates to each particular charge.²

[Outline the evidence that is admissible against each defendant where necessary. In particular, where evidence is admitted against one defendant only, that must be explained to the jury.]

And so you must return separate verdicts in respect of each defendant; and separate verdicts on each charge.³

¹ Note that Benchbook direction No. 36A (Hearsay Confessions by another Exculpating the Defendant) has been removed in view of the judgment of the High Court in *Baker v The Queen* ([2012](#) 245 CLR 632; [2012](#) HCA 27).

² See *R v Vecchio & Tredrea* ([2016](#) QCA 71); *R v SCO & SCP* ([2016](#) QCA 248 at [166]-[172]).

³ Where appropriate, add: Of course, as the evidence is different [in the separate cases and] in respect of the different offences, your verdicts need not be the same, whether in respect of the charges or the defendants.