



**AUSTRALIAN ADVOCACY INSTITUTE**

# **DPP V EVELYN CANNON**

## **PLEA**

### **TEACHING NOTES**

NOT TO BE DISTRIBUTED TO STUDENTS

© COPYRIGHT 1991

#### **Australian Advocacy Institute**

These case study materials (DPP v Cannon) are copyright. Subject to the Copyright Act 1968, they and any part of them may not be reproduced in any material form, performed in public, broadcast, transmitted by subscription, cable service, or adapted without the prior written permission of the Australian Advocacy Institute.

Adapted from materials used by the National Institute for Trial Advocacy (USA) and used with permission.

**Prepared by Professor the Hon. George Hampel AM QC on 27 September 2010**

## Teaching Notes - DPP v Evelyn Cannon (plea)

This is an interesting and unusual plea in that:

- it is a plea after conviction
- the accused is prepared to change her instructions
- which contradict her previous instructions for the trial.

The plea will have to overcome the:

- seriousness of the offence
- the lies in her trial instructions
- the relative uselessness of her statement to implicate Shenko
- no plea discount

The plea should focus on the argument that:

- she is only 22
- has no prior convictions
- acted under the influence and pressure of an older, seasoned criminal

Short of duress, this should be the centre of the case theory because of his influence in introducing her to gambling and drugs. This should significantly reduce her moral culpability.

- Her lying trial instructions were due to her fear of Shenko and concern for her father. Again, reducing her moral culpability, especially as she was not prepared to lie on oath at the trial.

All this also supports the argument in support of rehabilitation prospects for this youthful offender.