

Caryn Moss (Appellant) v The King (Respondent) (Bahamas)

Case ID: JCPC 2021/0016

Jurisdiction: Court of Appeal of the Commonwealth of the Bahamas

Case summary

Issue

- 1) Whether a charge of conspiracy to murder can lawfully be pursued against a single defendant where those charges were discontinued against the alleged co-conspirators before her trial;
- 2) Whether the Appellant in this case ought to have been entitled to rely on the defence of duress:
 - i. Whether a person who is coerced into joining a conspiracy can be said to have been party to the necessary agreement;
 - ii. Whether the defence of duress applies to conspiracy to murder;
 - iii. Whether the defence of duress arises in the Appellant's case sufficiently to render her conviction unsafe.
- 3) Whether the Appellant's custodial sentence (35 years) is wrong in principle or law or unduly severe.

Facts

In 2018, the Appellant, Caryn Moss was tried and convicted on the charge of conspiracy to murder. It was said that she had entered into a plan with others to bring the deceased to a pre-agreed location, where others would "deal with the situation." That plan was put into effect. The deceased was shot and killed. The Appellant was the only person to be charged with conspiracy to the murder. Three other individuals were arrested but not charged. One co-defendant was charged as accessory after the fact but he was not charged as a co-conspirator. During the Appellant's trial, Defence counsel made a submission of no case to answer on the basis that 1) conspiracy offences require at least two people, and the Appellant was the only person who had been charged with the offence, and 2) the Appellant had been coerced into the enterprise in fear of her life, therefore had not genuinely agreed to be a party to the offence. The Judge rejected the submission of no case to answer and directed the jury that duress was not a defence to a charge of conspiracy. The Appellant's appeal to the Court of Appeal was dismissed, and the Respondent's cross-appeal to uplift the sentence imposed by the trial judge was upheld. The Appellant now appeals to the Board.

Parties

Appellant

Caryn Moss

Respondent

The King

Appeal

Justices

Lord Lloyd-Jones, Lord Leggatt, Lord Stephens, Lady Rose, Lord Richards

Hearing start date

10 May 2023

Hearing finish date

10 May 2023

Watch hearing

10 May 2023 [Morning session](#) [Afternoon session](#)