

Criminal Law Basics

Dr Peter Jepson

Woolmington v DPP (1935)

- The Crown must prove - beyond all reasonable doubt - that the defendant has fulfilled the actus reus, and has the necessary mens rea, for the crime of which he is charged.
- Actus reus = guilty act
- Mens rea = guilty mind.

Actus reus

- This will vary crime to crime.
- For example, the actus reus of a battery is an unlawful touching.
- Of an assault, it is the victim apprehending immediate fear or violence (Ireland).
- For murder/manslaughter it is the unlawful killing of a human being.

Mens rea

- The mens rea also varies crime to crime.
- The mens rea for murder is an intent to kill or cause serious harm (Woolin).
- The mens rea for an assault is simply an intent to cause some harm (e.g. for the victim to apprehend some fear or violence).

Intent – causing greater harm.

- If D intends to assault/batter somebody, but causes them more serious harm then s/he will be liable for that harm.
- So, if D slaps V across the face intending assault/battery and s/he causes bruises to his face – it would be ABH.
- Likewise, if D slaps V across the face and cuts the face – could be GBH (s,20 – Eisenhower).

Intent – causing greater harm.

- If D in anger pushes V and s/he accidentally falls under a car, and is killed, then D could be guilty of unlawful act manslaughter. Why?
- Whereas, if D intentionally pushes V under a car - then that could be murder – since D intended V to die or suffer serious harm (Woolin).

Did D's actions cause the death?

- Suppose that I slap V across the face and she falls back and bangs her head and dies. What could I be guilty of?
- What if a medic came and then put V on a life support machine? The Doctor decides to turn off the machine. Who has killed V?
- What if a serial killer breaks into the ward and turns off all the life support machines? Who has killed V then? [Novus actus interveniens]

Causation ...

Two elements - BOTH need to be established.

- (1) Factual Cause - "but for test" - cases of White [1910] and Pagett [1983].
- (2) Legal Cause - more complex and will be considered over the next few slides.

Causation ...

- "Something more than a trifling link" - Kimsey [1996]
- What is the "thin-skull" rule? Explain how the case of R v Blaue [1975] relates.

A break in the chain of causation ...

- Break into Law Firms - The courts do not seem to accept a break in the chain of causation - but it can be broken. Discuss this and then explain to class using the cases of Smith [1959], Cheshire [1991] and Jordan [1956]. See Note: page 221.
- What does the case of Malcherek [1981] establish?

Imagine ...

- Imagine that student D asks student V if she would like a lift home. She says "OK" - then D asks if she fancies a coffee. V then takes one look at him, panics, and opens the car door jumping out (she is hit by a bus and dies). Glance at the cases - think about it for a few mins - Is D guilty? Which cases apply?
