

Cases for the Mooting Competition 2010.

Moot 1 – Dr DoLittle v The Crown.

Tom and Diana are boyfriend and girlfriend. Diana is seven months pregnant. They have an argument at the top of the stairs and Tom pushes Diana and she falls down the stairs only to be rushed to hospital. The baby girl Chelsea is, as a result, born prematurely and she subsequently dies in hospital aged one week.

When the coroner gives his report he points out that the premature birth contributed to the death, but he also said that Doctor DoLittle, at the hospital, was palpably wrong when she failed to tackle the Apnea and Bradycardia by establishing an alarm to warn of irregular breathing.

Dr DoLittle is charged with gross negligence manslaughter and was found guilty at trial.

Dr DoLittle appeals on two grounds:

(1) In law Tom had made the most significant contribution to the death of baby Chelsea, thus he should have been charged with manslaughter.

(2) While the failure to monitor breathing with an alarm was negligence, it did not amount to gross negligence.

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Moot 2 – Ashley v The Crown.

Ashley and Michael are Strode's College students. Ashley, who has been bullying Michael, sees Michael walking up the stairs and waves his fist at him (from the top of the stairs). Michael, in a moment of panic and fear, steps backwards only to trip up and fall down the stairs banging his head. As a result of this fall, Michael goes unconscious and he is rushed to hospital. On his way to hospital, Alicia, the medic, notices his medic-alert medallion that signifies he is a diabetic. Alicia ignores this because Michael is being treated for a head injury. When he reaches hospital tests are taken and it is eventually established that Michael is in a hypoglycaemic coma from which he does not recover.

The Coroner strongly criticises Alicia in his report signifying that she should have acted when she noticed the medic-alert medallion.

Ashley is charged with manslaughter. At the trial Ashley sought to argue there had been a break in the chain of causation. Judge Hangman rejected this plea and ruled that the actions of Alicia did not amount to a *novus actus interveniens*.

Ashley was found guilty at trial. He appeals on two grounds:

- (1) There was no criminal intent and/or dangerous act on his behalf.**
- (2) Judge Hangman's *novus actus interveniens* ruling was wrong in law.**

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Moot 3 – Andre v The Crown.

Andre and Jordan are a team in a circus knife-throwing act. They have worked together for 10 years without any accident or injury. Jordan is the attractive assistant who is fastened to a wall/wheel while Andre throws knives at the board. This show was a major display, before a film star director and they wanted to perform well. At the interval they were told that their performance almost certainly meant they would be given a part in a film. So, during the interval and before their second half display, they celebrated by having a couple of glasses of champagne. This drink, combined with some medication that Andre was taking, made his vision somewhat blurred. Despite such, they went on with the show only for disaster to strike. While throwing the knife, Andre misjudged matters only to burst a blood vessel in Jordan's leg. An ambulance was called, but that got delayed in M25 traffic for 4 hours and, consequently, Jordan died from a loss of blood.

Andre was charged with gross negligence manslaughter after Judge Hangman advised the jury that his actions could be considered as amounting to subjective recklessness.

Andre was found guilty at trial and given a life sentence. He appeals on the following grounds:

(1) (a) Andre claims that there was a break in the chain of causation that was not legally considered at the first instance trial. (b) He further claims that the tragic event was simply an accident; it does not amount to the *Adomako* definition of gross negligence manslaughter.

(2) Judge Hangman was wrong in law to make reference to subjective recklessness, since he had not been charged with reckless manslaughter.

(3) Andre appeals against the imposition of a life sentence.

Cases for the Mooting Competition 2010.

Moot 4 – The Crown v Jack

Maureen is a frail old lady aged 96. She is slowly walking down Egham High Street using her stick. Jack the lad, creeps up behind her and shouts: “Boo”. Maureen, clearly in shock, puts her hand to her heart and falls over in a heap on the floor. A passerby calls for an ambulance, but the M25 is closed due to a major vehicle accident and the ambulance is delayed by 2 hours. By the time they reach her, it is too late she had died from a heart attack.

Jack the lad is charged with involuntary manslaughter and argues that his act was neither illegal or dangerous, pointing out that Maureen may well have lived if the ambulance had arrived in a reasonable period of time. Judge Softie considers the actions of Jack to be “stupid” rather than criminal. He dismisses the charge of manslaughter, on the grounds that (a) saying ‘boo’ is not in itself an illegal or dangerous act, and (b) there is no evidence that Maureen suffered physical harm – as per Dawson (1985).

The Crown remain unhappy with the direction of Judge Softie and appeal on the following grounds:

- (1) Shouting ‘boo’ can, in certain circumstances, amount to an illegal act.**
- (2) Jack must have been aware of the victim’s frailty. Thus, in law, his actions were dangerous and, therefore, he can be held liable for illegal act manslaughter.**