



LLB ANSWERED

SAMPLE CHAPTER FROM OUR LLB CRIMINAL LAW CASE
BOOK

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CASE	FACTS	PRINCIPLE
<p>A (a juvenile) v R [1978]</p>	<p>A boy spat on a policeman’s jacket; the spittle could be wiped off easily.</p>	<p>If no expense and very little effort is needed to clean something, it is unlikely that criminal damage occurred.</p>
<p>A v United Kingdom [1998]</p>	<p>The applicant suffered physical abuse from his stepfather, leading to the latter's arrest and subsequent trial for assault. The judge left the jury to decide whether this amounted to reasonable chastisement and they acquitted the man. The case was referred to the ECHR.</p>	<p>The ECHR held that the physical abuse reached the severity threshold required for a violation of Article 3. The State had failed to provide adequate protection, as English law allowed the "<i>reasonable chastisement</i>" defense.</p>
<p>AG for Jersey v Holley [2005]</p>	<p>Following an argument, a man hacked his ex-partner to death with an axe. This was a Privy Council case, but 9 members of the House of Lords sat; it was intended that this should create a precedent.</p>	<p>The hypothetical reasonable man will have a normal degree of tolerance and self-restraint. Individual personality traits (such as a bad temper) are irrelevant for the purpose of s. 54(1)(c) Coroners and Justice Act 2009.</p>
<p>AG for Northern Ireland (No. 1 of 1975)* [1975]</p>	<p>A reference about whether the force used by a soldier in Northern Ireland, who had shot and killed an unarmed man who was fleeing, was unreasonable based on the circumstances in which he found himself.</p>	<p>The circumstances are as the defendant understands them to be in the heat of the moment. The court will appreciate that decisions are instinctive in certain situations. The test was whether no reasonable man could have reacted as the defendant did.</p>
<p>AG of Northern Ireland v Gallagher (AC 349) [1963]</p>	<p>Gallagher planned to kill his wife and drank whisky to gain the courage to follow through. Gallagher claimed that at the time of killing her, he was too intoxicated to have the necessary MR for murder.</p>	<p>This is a so called "<i>Dutch courage</i>" case. The court found that intoxicating oneself to build the courage to commit an offence, where prior intention is clear, does not allow for a reduction in liability and MR will be considered present. The House of Lords held that he was guilty of murder.</p>
<p>AG’s Ref (No. 1 of 1975)* [1975]</p>	<p>The defendant spiked the drink of another, knowing that he was going to drive. The other was later convicted of drink-driving. The defendant could be convicted under s.36 CJA.</p>	<ol style="list-style-type: none"> 1) "<i>Aid, abet, counsel or procure</i>" are given their ordinary English meanings. 2) Example of "procurement" – meaning to "produce by endeavour" here.
<p>AG’s Ref (Nos. 1 and 2 of 1979)* [1979]</p>	<p>Both defendants were found trespassing in a house without any intention to steal a <u>specific</u> item.</p>	<p>Conditional intent (an intention to steal "anything lying around" for example) is sufficient for the MR of burglary.</p>

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CASE	FACTS	PRINCIPLE
<p>AG's Ref (No. 4 of 1980) [1981]</p>	<p>A defendant gave a variety of statements about the death of his fiancée. He claimed that she had fallen downstairs, that he had pulled her back up the stairs by a rope around her neck and that he had cut up her body in the bath. Her body was not found so there was no clear cause of death. The trial judge directed an acquittal on charges of murder or manslaughter on those grounds.</p>	<p>The jury should have been given the opportunity to convict for manslaughter. They should have considered if they could be sure that the defendant either caused the fall down the stairs (in the event that the fall caused the death) or that the defendant killed the victim by cutting her neck if that was responsible for her death.</p>
<p>AG's Ref (No. 6 of 1980)* [1981]</p>	<p>Two boys agreed to settle an argument with a fight.</p>	<p>Consent is not a defence to assault or battery occasioning ABH or a more serious offence.</p> <p>COMPARE with <i>R v Brown</i></p>
<p>AG's Ref (No. 1 of 1983) [1983]</p>	<p>A police officer received too much money in her salary and decided to keep it.</p>	<p>Where someone receives money by mistake and realises, there is a legal obligation to return the money, taking no action can amount to theft.</p>
<p>AG's Ref (No. 2 of 1992)* [1993]</p>	<p>The defendant crashed a lorry on the motorway and two people died. He pleaded automatism based on driving for a protracted period on straight roads.</p>	<p>Automatism negates the MR. It requires complete lack of control. He was acquitted but the reference held that automatism was not available in these circumstances.</p>
<p>AG's Ref (No. 1 of 1994) [1995]</p>	<p>The case concerned the mens rea necessary for a water pollution offence.</p>	<p>A lack of maintenance can make a sewage system operator guilty of a crime in respect of water pollution.</p>
<p>AG's Ref (No. 3 of 1992) [1994]</p>	<p>The defendant was convicted of attempted aggravated arson. He had thrown a petrol bomb which exploded on a wall near some people. The wall was not damaged and there was no clear intention to endanger life.</p>	<p>For attempted aggravated arson, it is only necessary to prove an intent to achieve what is missing for the full offence; the defendant can be reckless as to whether life is endangered.</p>
<p>AG's Ref (No. 3 of 2003) [2004]</p>	<p>Police officers were acquitted of manslaughter by gross negligence and misconduct in public office, having failed to act to prevent the death of a prisoner. The AG was asked to rule on whether "<i>Cunningham</i> recklessness" was relevant to the alleged offences.</p>	<p>The House of Lords in <i>R v G*</i> had "resolved" the proper approach to the concept of recklessness. The test set out in <i>R v G*</i> is of general application – it does not just apply to the MR (<i>mens rea</i>) for criminal damage.</p> <p>APPLIED <i>R v G*</i></p>

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GENERAL PRINCIPLES

KEY CASES – GENERAL PRINCIPLES

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| <ul style="list-style-type: none"> • DPP v Parmenter [1992] • Fagan v MPC [1969] • R v Cato [1976] • R v Cheshire [1991] • R v Cunningham [1957] • R v G and R [2003] • R v Hayward [1908] | <ul style="list-style-type: none"> • R v Latimer [1886] • R v Moloney [1985] • R v Pagett [1983] • R v Savage [1991] • R v Smith [1959] • R v Smith [1974] • R v White [1910] |
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ADDITIONAL CASES – GENERAL PRINCIPLES

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| <ul style="list-style-type: none"> • AG's Ref (No. 1 of 1994) [1995] • AG's Ref (No. 3 of 2003) [2004] • AG's Ref (No. 4 of 1980) [1981] • B (a minor) v DPP [2000] • Chandler v DPP [1964] • DPP v Santana-Bermudez [2003] • Elliot v C [1983] • Gammon v AG for Hong Kong [1985] • McCrone v Riding [1938] • PWR v DPP [2022] • R v Bland [1987] • R v Blaue [1975] • R v BW [2018] • R v Caldwell [1981] • R v Church [1965] • R v Evans [2009] • R v Hughes [2013] • R v Jordan [1956] • R v Kimsey [1996] | <ul style="list-style-type: none"> • R v Lawrence [1882] • R v Le Brun [1991] • R v Lim Chin Aik [1963] • R v Marriott [1971] • R v Miller [1983] • R v Pembrton [1874] • R v Pittwood [1902] • R v Prince [1875] • R v Reid [1992] • R v Roberts [1971] • R v Smith (William) [1869] • R v Steele [1993] • R v Stephenson [1979] • R v Stone and Dobinson [1977] • R v Thabo-Meli [1954] • R v Woollin [1999] • Sweet v Parsley [1970] • Wings v Ellis [1984] • Winzar v Chief Constable of Kent [1983] |
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