

LAW KNOWLEDGE ORGANISER:

CRIMINAL LAW 1 (AR IN BOLD)

KEY WORDS, DEFINITIONS AND CASES - ACTUS REUS

The doing part of the crime through conduct, result or circumstances.

Omissions - the failure to act. There is no general duty to act but a number of legal duties have been developed in law: Contract (R v Pittwood), statute (RTA 1988), misconduct in public office (R v Dytham), special relationship (R v Instan), voluntary acceptance of responsibility (R v Stone and Dobinson), dangerous situation (R v Miller)

KEY WORDS, DEFINITIONS AND CASES - CAUSATION

Factual causation - but for test - R v White

Legal causation - moral responsibility - R v Dalloway, R v Marchant and Muntz.

Possible breaks in the chain:

1. Third parties - only in exceptional circumstances - R v Pagett
2. Medical intervention - palpably wrong - R v Jordan
3. Victim - fright or flight - R v Roberts
 - Self-neglect - R v Holland
 - Take victim as find them - R v Blaue

KEY WORDS, DEFINITIONS AND CASES - MENS REA

Intention - direct intent - the direct outcome intended

Oblique intent - an additional outcome to the one intended

A virtually certain consequence and the defendant appreciated that fact - R v Woollin

Recklessness - taking an unjustifiable risk and being aware of that risk - R v Cunningham

KEY WORDS, DEFINITIONS AND CASES - LOSS OF CONTROL

Special and partial defence to murder.

A loss of self control, caused by a qualifying trigger (either anger or fear) and would a reasonable person act in the same way?

s.54 Coroner's and Justice Act 2009

ASSESSMENT OBJECTIVES AND SKILLS:

COMPONENT 2: Scenario - follow the specific plan for homicide questions. For all others, take each part of the scenario and define, case/law, apply each part of the definition, case/law and final application.

COMPONENT 3: Essay - fully explain the area of law in the question and then include 3 or 4 points of evaluation.

KEY WORDS, DEFINITIONS AND CASES - STRICT LIABILITY

Offences which don't require mens rea

1. Requirement to intend to do the act, 2. no mens rea required, 3. AR must be proved, 4, mistake not available

Identification of strict liability offences:

Presumption of mens rea

Rebutting the presumption - Gammon 4 factors from AG for HK v Gammon

Other factors used too such as verbs and true/quasi crimes

KEY WORDS, DEFINITIONS AND CASES - MURDER

The unlawful killing of a human being under the Queen's Peace with malice aforethought

KEY WORDS, DEFINITIONS AND CASES - DIMINISHED RESPONSIBILITY

Special and partial defence to murder.

An abnormality of mental functioning,, from a recognised medical condition which substantially impaired the defendant's ability to understand the nature of his conduct or form a rational judgement or exercise self control and provides an explanation for the defendant's acts or omissions in doing the killing

s.52 Coroner's and Justice Act 2009

LAW KNOWLEDGE ORGANISER:

CRIMINAL LAW 2 (AR IN BOLD)

KEY WORDS, DEFINITIONS AND CASES - ATTEMPT

Doing an act more than merely preparatory and the intention to commit that act

S.1 Criminal Attempts Act 1981

KEY WORDS, DEFINITIONS AND CASES - CAPACITY DEFENCES

Insanity - 1. The defendant was suffering from a defect of reason

2. The defect must have been caused by a disease of mind

3. The defect has meant that the defendant did not know what he was doing or, if he did, he did not know that his act was wrong - M'Naghten Rules

Automatism - acting involuntarily - R v Woolley

Intoxication - only a defence when involuntary. When voluntary, reduces specific intent crime to basic intent crime - DPP v Beard

KEY WORDS, DEFINITIONS AND CASES - GENERAL DEFENCES

Mistake - an honestly held mistake of fact - R v Fotheringham

Necessity - committing a crime to avoid a worse outcome occurring - R v Shayler

Duress - committing a crime because of a danger of death or serious personal injury because of either threats or circumstances - R v Graham and R v Willer

KEY WORDS, DEFINITIONS AND CASES - THEFT

An appropriation of property belonging to another with the intention to permanently deprive and dishonestly

s.1 Theft Act 1968

KEY WORDS, DEFINITIONS AND CASES - ROBBERY

Theft with force with the intention to steal

s.8 Theft Act 1968

KEY WORDS, DEFINITIONS AND CASES - INVOLUNTARY MANSLAUGHTER

Constructive - **unlawful** and dangerous act which **leads to a death** - R v Mitchell

Gross negligence - **duty of care and breach of the duty** with gross negligence and a **risk of death** - R v Adomako

KEY WORDS, DEFINITIONS AND CASES - NON-FATAL OFFENCES AGAINST THE PERSON

Assault - **apprehension of immediate force** with intention or recklessness - s.39 Criminal Justice Act 1988 - R v Ireland

Battery - **an unlawful use of force** with intention or recklessness - s.39 Criminal Justice Act 1988 - Collins v Wilcock

Actual Bodily Harm - **an assault or battery causing hurt or injury** with intention or recklessness - s.47 Offences Against the Person Act 1861 - R v Donovan

s.20 GBH/Wounding - GBH: **really serious harm to the body** (DPP v Smith) and wounding: breaking **both layers of skin** (JCC v Eisenhower) with intention or recklessness - s.20 Offences Against the Person Act 1861

S.18 GBH/Wounding - GBH: **really serious harm to the body** (DPP v Smith) and wounding: breaking **both layers of skin** (JCC v Eisenhower) with the intention to resist arrest or cause serious harm - s.18 Offences Against the Person Act 1861

KEY WORDS, DEFINITIONS AND CASES - BURGLARY

s.9 Theft Act 1968

Entry into a building or part of a building as a trespasser with intention or recklessness to trespass and intention to commit theft, GBH or damage the building or its contents - s.9 (1)(a)

Entry into a building or part of a building as a trespasser and the actus reus of theft or GBH or an attempt to commit theft or GBH with intention or recklessness to trespass and the mens rea of theft or GBH or an attempt to commit theft or GBH - s.9(1)(b)

KEY WORDS, DEFINITIONS AND CASES - CONSENT

Agreeing to a crime being committed to you.

R v Dica, R v Brown and Others