

Elements of Criminal Liability

Actus Reus

Concerns the doing/outward part. Latin for 'guilty act'

Only liable for omission/failure to act if under a legal duty to act e.g. due to employment (**Pittwood**) or a statutory duty.

Thin Skull Rule

You take your victim as you find them. If a more serious injury occurs than was intended, due to V's condition, D is still responsible for causing the full result. Applies to physical and mental injuries.

Mens Rea

Concerns the thinking/inward part of the crime. Latin for 'guilty mind'. Intent – what you meant to do, motive is why you did it.

Direct intent: it was your aim, purpose or desire

Indirect intent: it was virtually certain to happen, and D knew this

Reckless: knew there was a risk, but took it anyway

Causation

- 1) Was D's action the "factual" cause of the injury/death? 'but for' D's actions would V have died/injured (in **White** the answer was no – she would have died anyway)
- 2) Was D's actions the 'operating and substantial cause of death' i.e. did anything break the chain? **Blaue**: no, **Smith**: no, **Jordan**: yes)

Transferred Malice

Mens rea towards intended victim can be transferred to actual victim. Malice can only transfer person to person, object to object. Malice cannot transfer person to object and vice versa.

Strict Liability

An exception to the rule that both MR and AR must be proved to establish guilt, these require AR only. Parliament makes these by passing an Act. These crimes are minor, regulatory offences e.g. not displaying a car tax disc, or an offence involving public safety.

- It encourages greater care
- MR does not need to be proved for minor regulatory offences
- However, person may be guilty even if not really to blame.

R v White

Man poisoned mum. Died of unrelated heart attack. Not guilty as didn't cause death.

R v Blaue

Man stabbed girl. Refused blood transfusion due to religion. He was still guilty due to TSR.

Mohan

His "aim, purpose and desire" was to run over a policeman, he accelerated towards him.

Woollin

Threw baby across room. Knew it was virtually certain to cause injury and took risk anyway.

Cunningham

Ripped out coin meter. Knew risk of injury and took it anyway.

Gemmell and Richards

Boys (11 and 12) set fire to bin. Caused £1m damage. Not reckless as they did not foresee the risk.

R v Latimer

Struck at intended victim with belt, hit actual victim. Malice transferred.

PSGB v Storkwain

Pharmacist unknowingly dispensed prescription drugs to a forged prescription. Guilty as Medicines Act 1968 made it clear it was a SL offence.

Meah v Roberts

Restaurant manager's staff unknowingly sold lemonade contaminated with caustic soda. SL offence under the Food and Drugs Act 1955.

