# **General Defences to Crime**

#### Insanity Location: M'Naghten's Case

## 1) Suffering a 'disease of mind'

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Diabetes	If in hyperglycaemic state (naturally occurring high blood sugar in diabetics) this can affect the mind. (Hennessey)	
Arteriosclerosis	Hardening arteries – if these are to the brain, the mind can be affected. (R v Kemp)	
Epilepsy	During a seizure an epileptic may not be in control of their nerves (R v Sullivan)	
Somnambulism	The correct name for sleepwalking. R v Burgess)	
NOT:	External factors such as alcohol or drugs: a blow to the head or hypnotism alter the functioning of the mind, but will not be classed as insanity (R v Quick)	

# 2) Disease caused a defect of reason

More than absent minded-ness (R v Clarke) 3) They didn't know it was wrong, or 'nature and quality' of their act

If successful result is a special verdict of "not guilty by reason of insanity". If murder, ordered to a secure hospital. Other crimes = judge's discretion.

#### Duress

By threats: forced to commit a crime due to threat of death or serious injury. Not available to murder/attempted murder. (R v Gotts)

Circumstances/Necessity: forced due to circumstances to commit a crime to prevent a greater harm. (**R v Conway**)

#### Automatism Location: Bratty v AG: An act done by the muscles of the body without control of the

Actions must be totally, not merely partially, involuntary - Hill.

Must be from an external cause e.g. hypnosis.

## Self-Defence

Where D uses 'reasonable force' to defend himself or someone he has responsibility for, or his property. Force must be proportionate.



mind.

Hennessey D stole car in hyper. state

#### Kemp



D attacked wife while hardening arteries

#### Sullivan D punched v during seizure





Intoxication			
Vol Intox	D willingly took substances	Only for <b>specific intent</b>	
	DPP v Majewski	(murder and s18). If	
		accepted, lesser offence	
		instead e.g. s18 to s20	
Invol Intox	D unaware taken	May be defence to	
	substances	crimes of specific and	
	R v Hardie	basic intent (reckless	
		crimes too) if mens rea	
		not formed. If accepted =	
		not guilty.	

# Consent

V gave permission. Only accepted if no injury is caused, unless in an exception category e.g. ear piercing, tattooing, surgery etc. R v Aiken



# DPP v Majewski

Intox, attacked V's. Rejected as were of basic intent.

# Hardie



D set fire to friends flat after taking valium. Didn't know effects. Accepted.

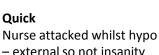
# **R v Gotts**

D attempted to kill mum due to dads threats. Rejected



#### **R v Conway** D committed driving offences escaping potential attackers





- external so not insanity but may be automatism

ATTEMPTED MURDER