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SUPREME COURT OF VICTORIA — COURT OF CRIMINAL APPEAL

R v DARRINGTON and McGAULEY

Sir John Young, CJ, Anderson and Jenkinson JJ

27 November 1979

[1980] VicRp 36; [1980] VR 353; 1 A Crim R 124; noted 5 Crim LJ 76; 8 Crim LJ 197

CRIMINAL LAW – MURDER – DEFENCE OF DURESS – DEFENCE NOT LEFT TO THE JURY BY TRIAL JUDGE – EVIDENCE PROPOSED TO BE GIVEN BY PSYCHOLOGIST THAT GIVEN AMOUNT OF DRUGS INGESTED BY ACCUSED THE ACCUSED WOULD NOT HAVE FORMED AN INTENTION TO KILL OR DO GRIEVOUS BODILY HARM – SUCH EVIDENCE EXCLUDED BY TRIAL JUDGE – NO ERROR SHOWN BY TRIAL JUDGE.

[Separate judgments were delivered by Anderson J and Jenkinson J and they dealt with the defence of duress in murder cases and the admissibility of evidence as to intent given by a psychologist. Young CJ agreed with the reasons for judgment of Jenkinson J. The text of the judgments is not reproduced as it is not relevant to the type of cases heard in the Magistrates' Court. Ed]
