



# Criminal Law

## Study guide

### Key Topics:

Murder

Manslaughter

Non-Fatal  
offences

Sexual  
Offences

Attempts

### What you'll find here:

**Topic specific Checklist  
& Practical Exam Tips**  
(pg. 2 &3)

**Essential Case Law  
Table**  
(pg. 4)

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## Checklist of FAQs and Tips

### Murder:

- ☐ **Actus Reus (AR)- conduct, circumstances, result**
- ☐ **Mens Rea (MR)**
- ☐ **Defences: general & partial**

**Remember:** in problem questions, always start with discussing general defences first, if unavailable move to partial defences.

Have a look at these cases for an in-depth discussion of MR in Murder:

R v Woollin  
R v Nedrick  
R v Moloney

### Manslaughter:

- ☐ **Voluntary Manslaughter vs Involuntary Manslaughter**
- ☐ **Voluntary manslaughter: AR & MR are same for murder/ Partial Defences are available**
- ☐ **Involuntary Manslaughter: MR is absent. 3 types: Unlawful Act Manslaughter (UAM), Gross Negligence Manslaughter (GNM), Reckless Manslaughter (uncommon)**

Key difference between the voluntary and involuntary manslaughter lies in the existence of **Mens Rea**. With voluntary manslaughter MR is there, with involuntary MR is absent.

### Non-Fatal Offences

- ☐ **Focus on: assault, battery, s. 47 offence-assault occasioning ABH, s.20 offence- wounding or inflicting GBH**

**Assault**  
 No requirement for 'bodily contact';

**Commonalities**  
 Consent is relevant;  
 Maximum penalty- 6 months imprisonment;

**Battery**  
 Touching through objects and person's clothing counts;

### Sexual Offences

- ☐ **(s.1) Rape: AR, MR- evidentiary presumptions of non-consent.**

In spotlight: Sexual Offences Act 2003

In Problem Questions, always start with evidentiary presumptions of non-consent first (s.75 & 76), if they're absent, then discuss s.74- definition of consent

- (s.2) Assault by Penetration: in comparison with rape, penetration must be sexual.
- Definition of sexual activity- objective test (s.78)
- Sections up to s.15 cover different types of offences.

### Attempts:

- Impossible attempts: 'legal impossibility=no attempt'; 'factual impossibility= always attempt'

### Exam Practice

When discussing AR in attempts, you should always mention tripartite test. First, you should mention that the accused should go beyond the merely preparatory stage and not be 'too late'. You can mention *Gullefer* and *Jones* cases to back up your analysis. Then go on mentioning other two stages: the series of acts test- that several acts should be complete to find the accused liable. Finally, discuss the 3rd stage- that the accused could not go back as he had gone past the merely preparatory stage.

## Case Law Table

(each case contains a link to its summary)

<b>Murder</b>	<a href="#"><u>Gibbins &amp; Proctor (1918) 4 WLUK 25</u></a>	<a href="#"><u>Cunningham [1982] AC 566</u></a>	<a href="#"><u>Airedale NHS Trust v Bland [1993] A.C. 789</u></a>	<a href="#"><u>R v Woollin [1999] 1 AC 82</u></a>
<b>Manslaughter</b>	<a href="#"><u>Ahluwalia [1992] 4 All ER 889</u></a>	<a href="#"><u>Jewell [2014] EWCA Crim 414</u></a>	<a href="#"><u>Foye [2013] EWCA Crim 475</u></a>	<a href="#"><u>Dowds [2012] EWCA Crim 281</u></a>
<b>Non-Fatal offences</b>	<a href="#"><u>R v Dica [2004] 3 W.L.R. 213</u></a>	<a href="#"><u>DPP v Santana Bermudez [2003] EWHC 2908 (Admin)</u></a>	<a href="#"><u>Brown [1994] 1 AC 212</u></a>	<a href="#"><u>Chan-Fook [1994] 2 All ER 552</u></a>

<b>Sexual offences</b>	<u>R v Linekar [1995]</u> <u>Cr App R 49</u>	<u>R v Jheeta [2007]</u>	<u>R v McNally [2013]</u> <u>EWCA Crim 1051</u>	<u>R v Elbekkay [1995]</u> <u>Crim LR 163</u>
<b>Attempts</b>	<u>R v Gullefer [1987]</u> <u>Crim LR 195</u>	<u>R v Dagnall [2003]</u> <u>EWCA Crim 2441</u>	<u>R v Walker [1962]</u> <u>Crim LR 458</u>	<u>Khan [1998]</u> 3 <u>WLUK 350</u>

What else can I do to achieve higher marks?

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