

CRIMINAL LAW

COURSEWORK

BY

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5LW002

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2000 WORDS (+/-10%) req.

2210 word (only text)

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MALIA'S LIABILITY FOR MURDER AND DEFENCES

Very few of us are what we seem- Agatha Christie

Introduction

Within the presented scenario, Malia finds herself entangled in a sad and complicated state of affairs that lead to the loss of life of Julia, the professional nurse caring for her significantly disabled son, Piers. Malia's past trauma, coupled along with her deep-seated defensive instincts toward her child, culminates in a violent altercation with Julia, resulting in deadly results. To research Malia's liability for murder and explore ability defenses, it's miles imperative to dissect the factors of the offense and apply them to the records of the case.

Murder

A grave offense in the realm of criminal law, encapsulating the most heinous act possible commit in opposition to some other individual. it's vital to take into account that homicide, as defined legally, constitutes the intentional and unlawful killing of some other person with malice aforethought (Smith, 2017). This definition underscores two essential factors: actus reus and mens rea.

Actus Reus

Actus reus, the physical element of the crime, encompasses the activities or conduct that result in the dying of any other person. It includes the real perpetration of the deadly act, whether or not via direct movement, omission, or oblique causation (Cross, 2023).

Mens Rea

Alternatively, mens rea dives into the mental state or motive behind the act. Within the setting of murder, mens rea involves the presence of perniciousness aforethought, which signifies

a ponder intention to cause death or inflict grievous physical harm upon another individual (Cross, 2023)

Together, they shape the core component of the crime of murder, depicting the illegal manslaughter with premediated motive. Analyzing each element of the actus reus and applying them to Malia's case is crucial to assess whether Malia's actions fulfill the actus reus requirement for murder.

Actus Reus Examination

The actus reus of Murder usually involves an unlawful act that causes the death of another person. This includes both the physical act that leads to death and any surrounding circumstances that contribute to the commission of the crime (Cross, 2023).

Physical Act

Malia's act of striking Julia over the head with the heavy wooden spoon, resulting in a broken skull and ended in deadly wounds eventually causing Julia's death. This physical act of attack fulfills the actus reus necessity for murder and constitutes a direct and intentional actions on Malia's part. There is a case instance of R v. Cunningham (1975) where the defendant was convicted of maliciously administering a noxious substance with intent to give injury and annoy the victim so as to endanger life, the defendant was charged under the section 23 of the offences Against the person Act 1861. This aligns with the legal principle that any physical action causing deadly harm or injury to other person can be consider as the actus reus of the offense (Apurv, 2023; Bansal et al., 2023; R v. Cunningham, 1957).

Illegal Conduct

Malia's actions are considered illegal despite her mental state and her personal history, Malia's actions cannot be justified or excused by law, because they violate social norms and legal standards that prohibits individuals from intentionally harming others, regardless of their mental or emotional state and personal circumstances. This standard is reflected in statutes such as the offences Against the person Act 1861, which outlines various offenses related to causing harm and injury to others. Additionally, common law principles as established in the cases like R v. Smith (1959), where it was established the defendant's act of stabbing the victim constitute illegal conduct and lead to criminal liability (Citron and Solove, 2022; McMahon, and McGorrery, 2020; R v. Smith, 1959)

Resulting Death

The direct result of Malia's attack is Julia's tragic demise, which satisfies the requirement of causation in reality. Julia's death directly attributed to the injuries inflicted by Malia throughout the altercation. This principle was illustrated inside the case of R v. Pagett (1983) in which it was held that the defendant's conduct need not be the only cause of death, but rather a significant contributing element to set up causation in truth (Stasi and Stasi, 2021; R v. Pagett, 1983)

Applying these factors to Malia's case, it is clear that her actions met the criteria for actual murder. Malia's deliberate attack on Julia, which resulted in her death, constitutes an illegal act that directly led to the fatal outcome.

Focusing on Malia's mental state and intentions at the time of the crime, we will proceed to examine the mens rea component of murder. An evaluation of Malia's mental state will

determine whether she had the level of culpability necessary to prove her murder charge (Larkin and Canaparo, 2020).

Mens Rea Examination

In assessing Malia's mens rea, or intellectual state, we must take into account whether she possessed the requisite purpose for murder, each in terms of direct and indirect purpose. Direct aim refers to the intention or purpose to result in a selected final results, while indirect intention involves foreseeing a certain outcome as virtually certain and intending with the action despite this knowledge (Ashton, 2023).

The case of Rv. Woollin (1998), where the father who threw his 3 months old son on to a hard surface, causing death injury to his son and the issue arise whether he intend to kill his son? The House of lords formulated the Woollin test, which provides that a jury must determine the requisite intent if they are sure that death or harm is virtually certain (barring unforeseen interference) and that the defendant admits that (R v. Woollin, 1998).

Considering Malia's actions, it is evident that she acted impulsively and violently in response to witnessing her son being mistreated by Julia. Her sudden eruption of rage and desire to protect her child led her to grab a heavy wooden spoon and repeatedly strike Julia over the head. While Malia may not have expressly intended to kill Julia, her actions demonstrate a reckless disregard for the consequences, including the likelihood of causing serious harm (Danagher, 2020; Bishnoi, 2021).

Drawing on the philosophies established in R v. Woollin, Malia's mens rea can be induced based on the predictability of the results. The attack and the use of heavy wooden spoon shed light on seriousness that Malia valued the bet of causing harm to Julia. Thus, it is reasonable to assume

that Malia had the fundamental mens rea for murder under the Woollin test (Danagher, 2020; Bishnoi, 2021).

The significance of evaluating the defendant's perspective in deciding criminal responsibility is identified by this examination. Malia may have no intention to cause injury to Julia, but her sudden action, combined with an enthusiasm for the likely outcomes, laying out the fundamental mens rea for homicide under the standards explained in R v. Woollin.

causation of homicide for this situation requires a reasonable examination and investigation to have a comprehensive understanding of the leading causes.

Causation Analysis

Causation indicates the legitimate statute used to outline a causal connection among defendant's direct damage to the other person. It plays a significant situation in sorting out criminal lawful obligation, specifically in examples in which the defendant's way of behaving is professed to have provoked the passing or mischief of another individual (Lianos and Lombardi, 2023). Causation can be separated into two principal classes:

Causation in Fact

This focuses on whether the defendant's actions were a direct cause of the harm to the victim. It employs the "but for" test, which asks whether the harm would have occurred "but of" the defendant's action (Knobe and Shapiro, 2021; Lianos and Lombardi, 2023).

In the case of R V. White (1910), shows that despite the defendant's conduct not directly causing the harm, they were deemed a necessary condition, leading to criminal responsibility. The "but for" test was established by court in this case. It requires the prosecution to prove that the

defendant's action was a necessary condition for the harm to victim. If the harm would not have occurred "but for" the defendant's conduct, then causation in fact is satisfied (R V. White, 1910).

Now, applying this principle to Malia's case, causation in fact is mounted if it can be shown that, however for Malia striking Julia over the head with the wooden spoon, Julia would not have suffered the deadly injury. In other words, if Malia's attack was a vital situation for Julia's loss of life, then causation in fact is satisfied, and Malia may be held criminally responsible for her actions.

Causation in Law

Known as legal causes, dives into the lawful standards encompassing the chain of causation between the defendant's activities and the resulting harm. One significant perspective of causation in law is the application of the thin skull rule, which directs that a litigant must take their victim as they discover them. This implies that the defendant is obligated for the complete degree of the hurt caused, indeed in case the casualty had a pre-existing condition that made them more helpless to harm (Firkins, 2023; Elkington, 2023).

Within the case of R v. Blaue (1975), the court maintained the rule of the thin skull rule. In this case, the defendant wounded the victim, who denied medical treatment due to her devout convictions. Despite the victim's refusal of treatment contributing to her death, the defendant was held dependable for the deadly results of his activities. The court emphasized that the defendant must take their casualty as they discover them, in any case of any unforeseeable results or characteristics (R v. Blaue, 1975).

Applying the thin skull rule to Malia's case, her activities were the legitimate cause of Julia's death. In spite of Julia's brittle bones condition making her more vulnerable to damage, Malia's attack started the chain of occasions driving to Julia's death. In this manner, Malia is

lawfully responsible for the complete amount of the damage caused to Julia, regardless of her pre-existing medical condition.

Discussion on Malia's Liability

Based on the examination of both actus reus, mens rea and causation, Malia is likely to be found accountable for murder. Her actions with where legally not acceptable, coupled with the intent to cause Julia's death. The evidence against her suggest that she will be held criminally responsible for Julia's death, Malia may attempt to argue defenses like loss of control, diminished responsibility, etc.

Defenses and their Application

Lack of Intent

Malia may contend lack of intent, citing her enthusiastic state and traumatic history as variables. The nonappearance of mens rea, especially the intention to cause death or genuine harm, is significant (Garbarino, 2024). The case of R v. Cunningham (1957) underscores the prerequisite of mens rea for criminal liability. Applying this to Malia's case, her enthusiastic state and suddenness of the assault could demonstrate a lack of intent for murder, possibly relieving her liability (R v. Cunningham, 1957).

Diminished responsibility

Malia may claim diminished obligation due to her mental state at the time of the offense, citing her PTSD from childhood abuse. R v. Byrne (1960) set up this defense beneath the Homicide Act 1957, permitting for murder to be reduced to murder in case the defendant's mental working was significantly disabled (Peay, J., 2023; R v. Byrne, 1960). Evaluating Malia's mental state and its effect on her culpability, counting expert testimony, is significant in applying this defense.

Provocation

Malia may declare provocation as a defense, contending that Julia's abusive behavior towards her child, Piers, incited her to lose self-control and commit the offense. R v. Duffy (1949) set up this defense, requiring a sudden and transitory misfortune of self-control in reaction to grave provocation. To apply this defense to Malia's case, the circumstances driving to the offense and the effect of Julia's behavior on Malia's state of intellect must be inspected. Evidence of the provocation and its impact on Malia's activities will be fundamental in establishing this defense (Garvey, 2023; R v. Duffy, 1949).

Self-defense

Malia might state self-defense if she accepted herself or her son, Piers, confronted inescapable harm from Julia. This defense grants sensible drive to avoid harm, but it must be corresponding to the danger seen. R v. Owino (1996) laid out the standards of self-defense, highlighting the significance of proportionality and genuine conviction within the requirement for defense (Sheley, 2023; R v. Owino, 1996). In Malia's case, prove of Julia's abusive behavior and Malia's sensible conviction in the need of defense would be essential in building up this defense.

Conclusion

Malia's case presents a challenging legitimate situation including the awful death of Julia, the nurse caring for her impaired child, Piers. In spite of the complexities encompassing Malia's actions, counting her traumatic past and defensive instinctual, an exhaustive examination of the lawful components demonstrates her obligation for murder.

Malia's deliberate attack on Julia fulfilled the essential components for murder, including actus reus and mens rea. Causation examination affirmed Malia's legitimate obligation for Julia's death, considering both factual and lawful causation standards. Whereas potential protections such as lack of intent, diminished obligation, and provocation were investigated, they eventually did not exculpate Malia of criminal liability.

The investigation shed light on conclusion, that Malia bears lawful obligation for the murder of Julia. Moving forward, Malia's case underscores the significance of responsibility and the complexities of individual circumstances inside the criminal justice system.

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