

Do They Have A Defence?

These questions are also in the powerpoint slides, this worksheet is just to make them more accessible. Go through each of the fact patterns below and decide whether the accused person has a defence open to them. If they do, why? If they don't, why?

Self-Defence

1. Sam and his brother Ross were playing a rugby match when Ross got into a fight with another player, Joe. Joe hit Ross so Sam pushed him back, causing Joe to fall and hit his head. Joe died as a result of this injury.

Sam is on trial for manslaughter and is arguing self-defence. Does this meet the requirements for self-defence?

2. Mike got into a fight with Luke. Luke punched Mike in the head so Mike pulled out a knife and stabbed Luke, killing him. He says he did this because he feared for his life after Luke punched his head.

Should Mike be convicted of murder, convicted of manslaughter, or acquitted?

Insanity

1. Aaron suffered from psychosis and frequently had delusions. During one of his delusions, Aaron believed that Jenny was the devil in human form. He thought God had told him to kill her so he did.

Does Aaron have any defences open to him and are they complete or partial defences?

2. Sarah was diabetic and forgot to take her insulin. While she was driving, she suffered from hyperglycaemia (high blood sugar) which caused her to lose consciousness. She then hit a pedestrian, causing them serious injuries. She had no control over this.

What defences does Sarah have open to her?