

**Constructive murder:** in the course of committing a violent crime, you kill someone, regardless of the lack of mens rea. S 3A. Common law = if you kill someone resisting arrest (*R v Ryan and Walker*). A violent crime where a core element is violence + 10 years prison – [armed] robbery are really the only e.gs.

**Involuntary Manslaughter:** Common law offence.

Dangerous and unlawful act manslaughter:

- The accused acted consciously and voluntarily, causing death.
- The act was unlawful and dangerous.
  - Unlawful offence must be a mens rea offence, does not need to be directed towards victim.
  - Dangerous = A reasonable person would have foreseen an appreciable risk of serious injury.
  - E.g robbery, assault.
  - You can take into account defences as they make the act not unlawful.
  - *Wilson* – remember the unlawful act must be decided by the jury.

Criminal negligence:

- The accused acted consciously and voluntarily, causing death.
- The accused owed the victim a duty of care. (Reasonable person test)
  - Surgeon, transporting dangerous goods, *TakTak* voluntarily assuming duty, secluding them.
- They breached that duty of care via criminal negligence.
  - Must fall so far below the standard of a reasonable person that it merits criminal punishment.
  - *Nydam* – he had a duty of care as he was responsible for creating the danger by carrying the bucket of petrol in there. He was negligent as, if his story were true, he would have *accidentally* poured the petrol on her and *accidentally* dropped the match on her. He was charged with both murder and manslaughter.
  - *Edwards* – security guard put drunk guy in sleeper hold for 5.5 minutes. Found guilty of both unlawful/dangerous and negligent. Sleeper hold was assault. Duty of care arose bc he was a security guard. 5 and a half minutes when he was offering no resistance was negligent.

“Vanilla” Murder: mens rea can be intention to cause death\_or GBH\_or recklessness as to death or GBH.

Intention must be *actual* intention. It is not a ‘reasonable person’ element, it is subjective.

Recklessness = must be a probable, not just possible outcome.

- *Pemble* – produced a gun intending to scare, but acts e.g sawing it off, producing it = reckless
- *Crabbe* – probability rather than possibility. ‘Willful blindness’ implies you already think there’s a probabil.
- *Boughey* – erotic asphyx. Must foresee a probable risk; a 'substantial' or 'significant' risk.
- *Morrison* – you do not need to think your actions are *wrong*, merely know the risk.

Grievous bodily harm:

- *Perks* – GBH = “really serious injury” distinguished from just “serious injury”
- *Miller* – child abuser. “some serious interference with bodily health + comfort” insufficient (manslaughter)
- *Wilson* – see Perks.
- *Schaeffer* – really serious injury murder, serious injury manslaughter. Misdirection saying same thing.

