

# CRIMINAL LAW

Cases & Exam Notes

Deakin University · Juris Doctor  
Victorian Criminal Law · Crimes Act 1958 (Vic)

IRAC Frameworks · Key Cases · Statutory Provisions · Exam Tips

**40+**  
Cases

**15**  
IRAC Answers

**9**  
Topics

**Exam Tips**  
Every Case

— SAMPLE PREVIEW —

- Ryan v The Queen (1967) — Voluntariness & Automatism
  - Crimes (Mental Impairment) Act 1997 (Vic), s 20
  - Youth Justice Act 2024 (Vic) — Children Under 12
  - Woolmington v DPP [1935] — Burden of Proof
  - He Kaw Teh v The Queen (1985) — Mens Rea & Strict Liability
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- Crimes Act 1958 s 18 & s 3A — Statutory Framework
  - Hyam v DPP [1975] — Oblique Intent
  - R v Crabbe (1985) — Reckless Murder
  - R v Hallett [1969] — Causation & Intervening Acts
  - R v Falconer (1990) — Sane Automatism
  - R v Nydam [1977] — Criminal Negligence Manslaughter
- 
- Crimes Act 1958 ss 36–40 — Statutory Framework
  - DPP v Barboussas [2022] — Consent & Unconscious Complainant
  - DPP v Villa [2024] — Intoxication & Reasonable Belief
  - DPP v Morgan [1976] — Historical Consent Standard
- 
- Crimes Act 1958 ss 72–82 — Theft, Burglary & Robbery
  - R v Salvo [1980] — Subjective Dishonesty Test
  - R v Collins [1973] — Entry as Trespasser
  - Jaylon v The Queen [2019] — Scope of Consent
  - R v Hale (1979) & R v Dawson (1976) — Robbery Force
- 
- Crimes Act 1958 ss 322O–S — Duress Framework
  - Likiardopoulos v R (2010) — Complicity & Encouragement
  - R v Hurley [1967] — Traditional Duress
  - Oblach v R (2005) — Duress & Family Violence
  - R v Runjanjic (1991) — Battered Woman Syndrome

## Part 6 — Mental Impairment & Intoxication

- CMIA 1997 s 20 — Statutory Test
- M'Naghten's Case (1843) — Common Law Basis
- Crimes Act 1958 s 322T — Intoxication Provisions
- R v O'Connor (1980) — Australian Authority

## Part 7 — Double Jeopardy

- R v Carroll (2002) — Finality of Acquittals
- Attorney-General (NSW) v XX [2018] — Fresh Evidence Exception

## Part 8 — IRAC Exam Questions

- Q1A — Theft: Justin's Liability
- Q1B — Burglary: Justin's Liability
- Q1C — Aggravated Burglary
- Q2 — Sexual Assault: Euan & Matthew
- Q3A — Duress: Diana & Welfare Fraud
- Q3B — Strict Liability: Drunk in Public

## Part 9 — Practice Questions

- Murder — Jordan & Liam
- Common Assault — Chloe & Blake
- Reckless Conduct Endangering Life — s 22
- Unlawful & Dangerous Act Manslaughter
- Criminal Negligence Manslaughter — Dr Patel
- Constructive Murder — Sophie & Tara
- Self-Defence — Alex (s 322K)

· Sexual Assault & Reasonable Belief — Tom & Ava

## HOW TO USE THESE NOTES

These notes are structured for fast, confident exam application. Every case entry includes: the key facts, the holding, the legal principle, and an exam tip telling you exactly when and how to deploy the authority in an answer.

<b>Blue border card</b>	Case or rule summary
<b>Green row</b>	Held / outcome of the case
<b>Gold row</b>	Exam tip — when & how to use
<b>Blue header band</b>	Statutory provision reference
<b>Navy IRAC block</b>	Complete exam-style answer

## PART 1 — FOUNDATIONAL PRINCIPLES

### 1. Ryan v The Queen (1967) 121 CLR 205 · Voluntariness · Automatism · Murder

**Facts:** Ryan attempted to rob a service station while armed. During a struggle, the firearm discharged and fatally wounded the attendant. Ryan argued the trigger pull was involuntary.

**Held:** The High Court held a voluntary act earlier in the chain (arming himself, pointing the gun) was sufficient to establish liability. A momentary loss of control did not absolve responsibility.

**Principle:** The actus reus must be voluntary, but this includes a series of acts forming a course of conduct. Automatism will only succeed where the entire conduct is involuntary.

◆ **EXAM TIP:** Use to negate defences based on involuntary act claims if prior conduct was deliberate and led directly to harm.

### 2. Crimes (Mental Impairment) Act 1997 (Vic), s 20 · Defence of Mental Impairment

**Principle:** A person is not criminally responsible if, at the time of conduct, they (a) did not know the nature and quality of the conduct; or (b) did not know it was wrong. Must be a mental impairment (e.g. psychosis — not voluntary intoxication). Onus on the defence to prove on the balance of probabilities.

◆ **EXAM TIP:** Distinguish from automatism; applies to defendants with enduring mental illness. Outcome: special verdict — 'Not guilty because of mental impairment'.

### 3. Woolmington v DPP [1935] AC 462 · Burden & Standard of Proof

**Facts:** Defendant claimed his wife's death was accidental. The trial judge misdirected the jury that the burden was on the defendant to prove accident.

**Held:** House of Lords confirmed the prosecution must prove guilt beyond reasonable doubt.

**Principle:** The 'golden thread' — the duty to prove guilt always lies with the prosecution.

**Key Quote:** "The golden thread running through the web of English criminal law."

◆ **EXAM TIP:** Use in any question involving burden or standard of proof.

### 4. He Kaw Teh v The Queen (1985) 157 CLR 523 · Mens Rea · Strict Liability

**Facts:** Accused claimed ignorance of heroin in his luggage. Convicted under a statute with no express mens rea requirement.

**Held:** High Court presumed mens rea required. For serious offences, intent must be proven unless explicitly excluded by legislation.

◆ **EXAM TIP:** Use for interpreting statutory offences. Supports the presumption against strict liability.

## PART 2 — HOMICIDE (MURDER & MANSLAUGHTER)

### Crimes Act 1958 (Vic) s 18 & s 3A — Murder

**s 18:** Unlawful killing of a human being with malice aforethought — intent to kill, intent to cause serious injury, or reckless indifference to human life.

**s 3A:** Constructive murder — death caused during or immediately after a violent felony punishable by 10+ years.

### R v Crabbe (1985) 156 CLR 464 · Reckless Murder

**Held:** Subjective foresight of probable death = mens rea for murder.

◆ **EXAM TIP:** *Lead case on reckless indifference. Use to define the mens rea element in reckless murder problems.*

### R v Hallett [1969] SASR 141 · Causation · Intervening Acts

**Facts:** Assault rendered victim unconscious; the tide subsequently drowned the victim.

**Held:** Death was not caused by an independent event. Causation remained unbroken.

**Principle:** A novus actus interveniens is required to break the causal chain.

◆ **EXAM TIP:** *Use to refute claims that natural events break the chain of causation.*

**— END OF SAMPLE PREVIEW —**

This sample includes the cover page, full table of contents, the How to Use guide, Part 1 (Foundational Principles) in full, and a preview of Part 2 (Homicide).

The full notes cover all 9 parts — 40+ cases, 15 IRAC answers, statutory frameworks and exam tips across every major topic.

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