

General Principles of All Crimes Committed:	Act as a Sequence, Causation, Temporal Coincidence, Intervening Acts & Victim Faulty
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Burden of Proof (Onus):

The prosecution bears the burden of proving the case beyond reasonable doubt (BRD)

The "Golden thread of justice" establishes that the court must not find the prosecution's case proved unless satisfied BRD, as seen in Woolmington v DPP and codified in Section 141 of the Evidence Act 1995 (NSW)

Once a defence is raised, the prosecution must disprove it BRD (Rv Huber); the accused is not required to prove their innocence

The jury sets the standard of "reasonable" within specific circumstances (Green v The Queen)

The burden of proof for complete or partial defences (except mental health) lies with the defence on the balance of probabilities, as per Section 23A of the Crimes Act 1900 (NSW)

Capacity

Doli Incapax: There is a presumption that children under 10 are incapable of wrongdoing because they lack mens rea

Under Section 5 of the Children (Criminal Proceedings) Act 1987 (NSW), the age of criminal responsibility is 10

For children between 10 and 14, the prosecution must rebut the presumption that the child did not know their act was wrong (RP v The Queen (2016))

Corporations: A corporation is a legal person under Section 4 of the Crimes Act 1900 (NSW) and can be indicted and convicted under Section 10 of the Criminal Procedure Act 1986 (NSW)

Voluntariness

The prosecution is entitled to presume voluntariness (R v Falconer (1990))

An act is involuntary if done by muscles without control of the mind, such as spasms, reflexes, or sleepwalking (Bratty v A-G (Northern Ireland)). An act is considered voluntary if it is a probable and foreseeable consequence of a conscious act, such as keeping a finger on a trigger (Ryan v The Queen (1967))

Actus Reus (Physical Elements)

Positive Acts: Prohibited conduct (e.g., speeding) or prohibited consequences (e.g., causing death). Prohibited Circumstances: Factors like a victim being under the age of 16. Omissions: A failure to act when there is a duty to act (R v Miller)

Duties arise from: (1) Statute (2) Relationship: Parent/child (R v Russell ; Sam v The Queen (2011)) (3) Assumption of Duty: Voluntarily taking charge of a person and secluding them (R v Taktak (1988)) (4) Dangerous Situations: Failing to correct a danger one created (R v Miller)

Mens Rea (Fault Elements)

Intent: Actively desiring a particular result (He Kaw Teh v The Queen (1985)). Recklessness: Foreseeing a consequence but proceeding anyway. Negligence: An objective failure by a "reasonable person" to recognize an obvious risk. Knowledge: Awareness of the existence of a physical element (essential for possession offences). Transferred Intent: Liability remains if the mens rea for one person/thing is applied to another (R v Latimer (1886); La Fontaine v The Queen (1976); R v Pembliton (1874))

Temporal Coincidence (Contemporaneity)

The actus reus and mens rea must occur at the same time (Meyers v The Queen (1997)).

Completed Act: Intent formed after the physical act is complete may not suffice (R v Potisk)

Continuing Act: Liability exists if mens rea is formed while the physical act is ongoing (Fagan v Metropolitan Comm of Police)

Series of Acts: Intent at any stage of a continuous series of acts may lead to liability (Thabo Meli v The Queen)

Withdrawal: Once mens rea is formed during the act, it cannot be easily argued as withdrawn (R v Jakeman (1982))

Temporal Coincidence: Temporal coincidence is a fundamental legal principle requiring that the guilty act (actus reus) and the guilty mind (mens rea) occur simultaneously for criminal liability to exist. Both elements must coexist at the same time or within an ongoing transaction, meaning that intent formed later typically does not satisfy criminal liability. (R v Jakeman).

Act As A Sequence:	Ryan v R (1967): Requirement for a "voluntary act" in criminal law, the court will view a series of acts as a continuing sequence . Voluntariness: The Court defined a voluntary act as willed, conscious muscular movement . Conduct occurring independently of the will (like spasms) is involuntary, but voluntarily placing oneself in a lethal situation negates this defense.
Actus Reus: Causation	R v Hallett: Hallett got into a fight with the victim, rendering him unconscious, and left him there at the edge of the water near the sea and went further up to sleep. The victim was unconscious, tides rose overnight, and the victim died of drowning. Hallett claimed the tide was an intervening act; however, the victim was there unconscious due to the actions of Hallett. It was held that the chain of causation was not broken. Ordinary vs. Extraordinary Natural Forces: Extraordinary refers to an unforeseeable catastrophic event, such as an earthquake. Ordinary is natural, normal things like tide rises.

Temporal Coincidence:	R v Jakeman: [1982]: The court held that she was still guilty, as her initial intention (mens rea) coincided with the eventual actus reus (the drugs arriving in London), even if she had a change of heart later.
Victim Frailty:	R v Moffatt (2000): "A killing is not less a crime because the victim was frail and easily killed."

Assault:	1. Aggravated Assault
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Actual Bodily Harm(ABH): The nature of the injury does not need to be permanent. But it does need to be more than merely transient and trifling(little or insignificant). Categories: Injury(Law), Further Specific Intent(Law, Victim, Weapon or instrument, Dangerous Substances, In company).	
Crimes Act 1900 (NSW) Part 2, Divisions 8, 8A, 8B, 8C: Specific Intent: S 58: Intent to commit serious indictable offense, 5 years. Injury: General Assault Occasioning Actual Bodily Harm S 59(1): A person who assaults any person and thereby occasions actual bodily harm is liable to imprisonment for 5 years. (2): A person is guilty of an offence if they commit an assault occasioning ABH in the company of another person or persons, carrying a liability of 7 years imprisonment. Victims: Aggravated Forms of Assault without ABH S 59A(1): Assault during a large-scale public disorder, although not occasioning actual bodily harm, 5 years imprisonment. S 60(1): Assault against a police officer in the execution of duty, although no actual bodily harm is occasioned, 5 years imprisonment. S 60G(1): Assault against a retail worker in the course of duty, although no actual bodily harm is caused, 4 years imprisonment Victims: Assault During Public Disorder S 59A(2): A person who assaults any person during a large-scale public disorder and thereby occasions actual bodily harm is liable to imprisonment for 7 years Victim: Assaults Against Police and Law Enforcement Officers S 60(2): A person who assaults a police officer while in the execution of the officer's duty and occasions actual bodily harm is liable to imprisonment for 7 years. (2A): A person who, during a public disorder, assaults a police officer in the execution of duty and occasions actual bodily harm is liable to imprisonment for 9 years S 60A(2): A person who assaults a law enforcement officer (other than a police officer) in the execution of duty and occasions actual bodily harm is liable to imprisonment for 7 years. (2A): A person who, during a public disorder, assaults a law enforcement officer (other than a police officer) in the execution of duty and occasions actual bodily harm is liable to imprisonment for 9 years Victim: Assaults Against Frontline Emergency and Health Workers S 60AD(4): A person who assaults a frontline emergency worker in the course of the worker's duty and causes actual bodily harm is liable to imprisonment for 7 years. (5): A person who, during a public disorder, assaults a frontline emergency worker in the course of duty and causes actual bodily harm is liable to imprisonment for 9 years S 60AE(4): A person who assaults a frontline health worker in the course of the worker's duty and causes actual bodily harm is liable to imprisonment for 7 years. (5): A person who, during a public disorder, assaults a frontline health worker in the course of duty and causes actual bodily harm is liable to imprisonment for 9 years Victim: Assaults at Schools and Against Retail Workers S 60E(2): A person who assaults a school student or member of staff while they are attending a school and occasions actual bodily harm is liable to imprisonment for 7 years. Section 60G(2): A person who assaults a retail worker in the course of the worker's duty and causes actual bodily harm is liable to imprisonment for 6 years. *** For GBH sections go to Murder Table.	

Actual Bodily Harm:	R v Donovan [1934]: '... includes any hurt or injury calculated to interfere with the health or comfort of the prosecutor. Such hurt or injury need not be permanent, but must, no doubt, be more than merely transient and trifling.'
Injury: Wounding	R v Shepherd: Defines Wounding as Breaking of the skin

Assault:	2. Common Assault (Assault by Threat of Force)
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Types: (1) Assault by Threat of Force. (2) Assault using force.
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