



POLLY'S AND MOHAMMED'S CASE.

BSC PROFFESIONAL POLICING

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This paper aims to discuss any offences and the possible defences of the scenario given regarding Polly and the death of Mohammed. The discussion will be based on each offence committed. It is important to note that Polly suffered from schizophrenia. Schizophrenia can be a long-term and severe mental health condition that will affect how an individual feels, thinks and how they interact in the world. The most common traits of someone that suffers from schizophrenia are delusions, verbal hallucinations, and a disorganised mind. The daily management of this mental health condition is medication and therapies.

According to CPS (2018), under the Public Order Act (1986) it is an offence to threaten, abuse, use insulting words or show a visible representation of abuse, such as putting up a middle finger. In the scenario Polly had called Roxanne a 'bitch' and put up her middle finger. This would be classed as an offence under the Public Order Act (1986). The Public Order Act (1986) is a criminal legislation that had been made relating to all public orders. This would include riots, public violence, affray and causing fear to anyone (GOV.U.K, 2023). In the case of *R v Constanza* (1997), Constanza had been convicted of actual bodily harm to a woman he once worked with. Although Constanza had never put his hands on her, he would verbally harass her regularly. The court ruled that under the Offences Against a Person Act (1861) verbal abuse and behaviour add up to assault, especially if the victim became fearful and thought it would lead to violence. In England and Wales, assault is common law and was not created by Parliament. However, in the Polly and Mohammed scenario, once Polly had been asked to leave the pub, she did comply. Polly did not threaten any physical violence towards Roxanne while in the pub, and it was not a constant stream of verbal abuse. This incident may not be common law as Roxanne was not threatened by Polly. For Polly to have this offence reduced she must be able to justify her conduct towards Roxanne and could use the freedom of expression defence. Her mental state of mind could be called into question, as she became paranoid while in the pub. Polly could also argue that her emotions were out of control because of her schizophrenia.

Once Polly and Mohammed are outside the pub and in the car park, Polly severs the brakes on Roxanne's moped. This shows Polly's intent to cause harm to Roxanne. By severing the brakes, she has already caused criminal damage to the moped. Under the Criminal Damage Act (1971) section 1, Polly was also reckless to endanger life. Criminal damage is not common law. Under this Act, the actus reus of the offence is Polly damaging Roxanne's moped without lawful excuse. The Criminal Damage Act (1971) class criminal damage as someone who destroys or damages property that does not belong to them. The punishment for this crime could be a maximum prison sentence of ten years or a fine of up to £2,500 (GOV.U.K, 2023). In the *R v Sangha* (1988) case, Sangha has been tried for arson and reckless to endanger life. He had set alight furniture in a flat that he was squatting in. He believed the flat was unoccupied. The whole flat had gone up in flames, unfortunately, someone was still in the flat and died. Sangha had argued that he was unaware of someone in the flat. His intent was not to cause harm or injury to anyone (England and Wales Court of Appeal, 2008). In the scenario with Polly and Mohammed, Polly could argue that she was not aware that Roxanne would not look over her moped once she finished work. If it has been sitting in the car park for anyone to have access to it, then Roxanne should check over the moped before driving it. Polly could also state that she assumed that Mohammed would fix the

brakes, or at least go and tell the woman that he loved not to drive the moped as it is damaged. Also, the scenario does not state if there were any witnesses, so Polly could say that she did not sever the breaks on the moped.

Once Polly and Mohammed returned home, he tried to reassure her that he did not fancy Roxanne. Polly did not believe him and continued to accuse him. Mohammed then admitted to the affair and told Polly that he wanted to be with Roxanne. Polly was upset and turned away from him, then she saw the ashtray, picked it up and hit him over the head with it. This shows that it was not premeditated and did not plan to kill him. Polly committed the worse crime, murder. Murder is a common law offence in England and Wales. However, this might be downgraded to manslaughter if Polly could prove that it was her paranoia due to her schizophrenia. This is something that she may not have control over so she could argue loss of control. In the case of *R v Kemp* (1957), Kemp had hit his wife over the head with a hammer and as a result, he was charged with causing grievous bodily harm under the Offences Against the Person Act (1861). Kemp had argued that he suffered unconsciousness due to arteriosclerosis. This caused a build-up of congested blood in his brain. Kemp used the defence of automatism. This defence is where a person acts without intent or understanding (Delvin, 1956). For example, Polly could argue that she did not intend to hit Mohammed over the head with an ashtray, she was not thinking clearly because of her schizophrenia and her emotional state. She could also argue that she did not fully understand the implications of what could happen if she hit him over the head with such a heavy object. If Polly was to use the automatism defence, then the prosecutor would need to prove that Polly wanted to commit murder. Under the circumstances of Polly's mental health conditions, she could use the defence of diminished responsibility. This defence would only give her a partial defence. It would mean that her murder charge would be reduced to the lesser charge of manslaughter. The jury in this case would decide if the charge would be downgraded to manslaughter on the grounds of Polly's mental health conditions. In the case of *R v Moyle* (2004), the court heard that Mayle had repeatedly kicked Davis Brown in the head while they were drinking at the pub. Davis Brown died three weeks later. Moyle had claimed that Brown had provoked him. Moyle also stated that on the night of the murder, he was intoxicated and as a result, he had suffered abnormality of the mind. His defence team stated that under section 2 of the Homicide Act (1957), his conviction charge should be for the lesser charge of manslaughter (Law teacher, 2021). Polly could also use the defence of abnormality of the mind. The scenario does not state if she had been drinking, however, it is known that she had schizophrenia. She may have been taking medication for this or she may not have, either way, it could be used as a defence. The actus reus of murder is the unlawful killing of a person. The men's rea of murder is the intention to kill someone or the intention to cause grievous bodily harm. In her anger, Polly may have wanted to cause Mohammed grievous bodily harm. However, it would have been an impulsive thought and may have only lasted a few seconds, but the damage had been done.

In the scenario, it is stated that Polly became paranoid while she was at the pub. This would be an untrue statement as Mohammed had admitted the affair just before he died, meaning she was not paranoid on the day of his death. They were flirting with each other which made

Polly emotionally distressed. Mohammed did not fear Polly as he willingly followed her home. They have been together for ten years. This could show that she has not abused him, and he was not expecting Polly to commit such a crime. This does not excuse her behaviour; however, she could use this as a defence that she did not intend to cause harm to Mohammed and that she lost control due to her schizophrenia and her emotional distress due to Mohammed admitting the affair. Polly would be initially charged with murder, however, considering her mental health condition and the circumstance of the affair, she should receive the lesser charge of manslaughter. She should use the defence of diminished responsibility in this case.

Reference list.

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