

BMLW4005/BMPL4009 CRIMINAL LAW

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Introduction

According to Bergman and Berman, (2022), *Criminal Law* is recognised as the body of legislation that defines criminal misdeeds, regulates the trial, charging & apprehension, and fixes relevant modes of treatment, court proceedings, and penalties for the convicted wrongdoers. *English Criminal Law* is concerned with offensive activities, root causes, consequences, and prevention in England & Wales. The purpose of imposing *Criminal Law* is to convict & punish the wrongdoer and acquit the innocent and reduce the number of criminal activities.

a) Advise Hadley which offences he could be criminally liable for

Issue

Considering the case scenario of Ronan and Hadley, it has been discovered that Hadley decided to steal Ronan's "Bucci trainers" after his absence at home. After entering the dressing room Ronan and Hadley decided to take a "Kolex Watch" instead of trainers and then poured aftershave into the trash bin and set it on fire. The issue is that Hadley entered Ronan's house without his presence and entered by jumping over the back fence and landing on the wooden types of the bench. This kind of unauthorised house trespass is illegal and henceforth, Ronan could complain to Hadley regarding visiting Ronan's house in his absence. Subsequently, Ronan could complain against Hadley to damage his expensive assets such as the Kolex watch. Therefore, this kind of offensive activity could have a chance to become penalised in a term of imprisonment or remuneration for Hadley as per *English Criminal Law*.

Rule

By aligning the case scenario, it has been disclosed that Ronan could charge criminal damage against Hadley. In this aspect, Hadley could be charged with asset or property damage with the consideration of legal paradigms of *Section 1(1)* of the *Criminal Damage Act 1971*. Considering the case law example of "*R v G [2004] AC 1034*", it has been disclosed that two boys at early night entered the backside yard of a Co-Op shopping centre and discovered some old newspapers. They just took the newspaper and set them on fire, resulting in the spreading of fire from adjacent buildings along with the damage of around £1 million. In this context, the solution was included in the subjective test of recklessness. *Section 1* of the *Criminal Damage Act 1971* was integrated with this case scenario to investigate the circumstance properly and whether the criminal is aware of the risk severity level or not (*R v G* (2003), 2021). Another consideration is that the circumstances were known to the boys and they knew the exact impact of their deeds. Based on this solution, in the chosen case example

such as *Ronan v Hadley*, the jury could consider the subjective test and Caldwell rule to find out whether Hadley was seriously unaware of the potential impact of visiting Ronan's house without his permission or not. Considering the other case example of "*R v Smith [1974] QB 354*", the issue was that the landlord cut the underneath wire lines of the soundproofing system of his tenant Smith and he was charged with property damage and also charged by *Criminal Damage Act*. In this context, the solution was that the court was concerned to check whether Smith was involved in making property damage or not (*R v Smith - 1974, 2019*). The appeal was allowed and the trial judge erred in not letting Smith evaluate his case in front of the respective jury. In this context, the conviction was repealed as a concrete outcome of the case.

Application

Considering the given case scenario of *Ronan v Hadley*, the *Criminal Damage Act 1971* could be applied because of creating property damage to Ronan's house such as the Koles watch. In this aspect, *Section 4* of the *Criminal Damage Act 1971* could be applied with the evaluation of a maximum level of a penalty of life imprisonment for damaging another's house property or assets intentionally (legislation.gov.uk, 2022). Subsequently, the legal protocols of *Section 1(1)* of the *Criminal Damage Act 1971* could be applied to the given case scenario to make an investigation of the intention or reckless property damage committed by Hadley.

Conclusion

Finally, it can be acclaimed that *Chapter 45* of the *Criminal Law Act 1977* could be integrated into this case example. In this aspect, the legal paradigms of *Section 12A (9)* of the *Criminal Law Act 1977* could be implemented against the offensive activities of Hadley due to its entry into Ronan's house as a trespasser in the absence period of Ronan.

b) In the event of Freya being charged under s.47 Offences against the Person Act 1861, advise her of whether she would be able to rely on the defences of intoxication and automatism

Issue

The prime issue of the given case scenario is whether Freya could be able to depend on the defences of automatism and intoxication considering *Section 47* of the violent acts against the *Person Act 1861*. The fact is that both Nicky and Freya interacted during the fresher's week at their university and they attended a foam party at the local nightclub. Freya was the victim of epilepsy but had not any kind of seizure and that is why she was not involved in the medication. After the party was over, they came back to the student halls and Freya began

vomiting then Nicky was in the kitchen to take some water for her. After returning, Nicky found Freya in seizure mode on the floor and she shouted to wake up another roommate Mike. She tried to help Freya and throughout the seizure mode, she just punched Mike and as a result, a physical injury such as a “*black eye*” was formed.

Rule

Reviewing the given case scenario, it has been disclosed that Freya could be charged with the commitment of reckless or intentional physical injury with the legal implication of the *Person Act 1861*. Considering the case example of “*Hill v Baxter [1958] 1 All ER 193*”, it has been disclosed that the defendant was charged with threatening driving and claimed that he was just recovered from a sudden sickness and henceforth, he had an instant memory loss at the initial point. In this aspect, he also appeased that he would not be accused as a criminal under *English Criminal Act*. The solution of this case example was integrated into the *Road Traffic Act of 1930* and the onus of evaluating automatism was applied against the Bus Driver (Hill v Baxter – 1958, 2021). Considering the defence of automatism, the accused was unaware of his action and it is considered a defence of insanity. However, there was zero evidence of “*Blackout Syndrome*” in the Bus Driver rather than it was diagnosed that the driver was falling asleep and had zero attention and that is why it was improper to identify that the driver was fully accountable with this legal provision. Considering the case example of “*Broome v Perkins [1987]*”, it has been disclosed that the defendant was a diabetic patient and was charged with driving with the absence of attention and care. He argued that he lapsed into automatic driving and the lay justice also accepted his defensive statement during the trial. The solution was that the court revealed that a vehicle could not run with a similar degree of speed & control for several miles (Broome v Perkins - 1987, 2019). Henceforth, the defendant was driving and his limb movement was controlled by his mind. Therefore, the automatism defence was not appropriate for this case scenario and the case was repealed with a command to convict. Considering the given case scenario, the involuntary intoxication scenario impeded and as Freya was in a drunken mode, she just lost body or limb control and punched Mike recklessly.

Application

According to the given case example, Mike could complain against Freya with the implication of the legal protocols of *Section 47 of the Assault Occasioning Actual Bodily Harm 1861*. Through the implication of this legal provision, Mike could get justice by a proper investigation of whether Freya was in intoxication mode or not. Besides, despite knowing her epilepsy disease, Freya did not prevent herself from being excessively drunk and

henceforth, Mike could complain against Freya regarding the offering of repayment of medical bills as a personal claim injury.

Conclusion

From the overall illustration of the case scenario, case examples, and applicable *Person Act 1861*, it has been acclaimed that Mike could have a justified allegation against Freya as she already knew about her epilepsy disease and was still caught in an excessively drunken situation. Through the consideration of the *Person Act*, the plaintiff's statement could be analysed by considering the legal protocols of whosoever would be convicted upon an indictment as a common assault.

Conclusion

The recent study demonstrated how *English Criminal Law* is aligned with the given case scenario to make a profound conclusion. From the overall understanding of the *Criminal Law* and *Person Act*, it has been disclosed that proper alignment of the subsections is required to make a possible but valid solution to the given case scenarios. Criminal Law is integrated into the offence against assets or personal property while the Person Act is aligned with the legal provisions relevant to personal injury and injury-based repayment by the offender.

References

Book

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