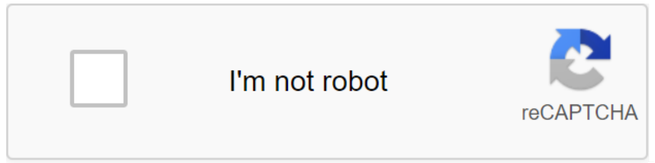

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Introduction to criminal law notes pdf

Below is a more accessible simple text excerpt from the PDF sample above, taken from our criminal law notes. Because of the problems associated with extracting the text from the SDA, it will have a strange formatting: Criminal Law Reading Session 6 Infancy S.34 Of the Crime and Riot Act 1998: Repeal the refutation of the presumption that a child aged 10 years and older is unable to commit a crime (i.e.. Currently, only children under the age of 10 have this presumption) Madness and Automatism Criminal Procedure (Madness and Unfit for Pleading) Act 1991: S.1: Acquittal on the grounds of insanity is not possible, except when two or more practitioners have presented evidence and at least one of them is properly approved (NB this means that the court claims that they had a special experience in this area). According to previous acts practitioners must have special experience in the field of insanity (NB no actual definition of insanity) S.2: Unfitness to admit oneself must be determined by the jury in the case of disability, which prevents the person being considered. There must be at least 2 practitioners giving testimony, at least one of which must be properly approved. It should be determined as soon as a question arises or before the case in defense begins. If D has already been acquitted, the question should not arise. In cases where D is found unfit to plead guilty, the trial will stop and the jury will simply declare either they are satisfied that D has made an act/inaction when according to a disability, or that they are not satisfied that he has made an act/omission and D will therefore be acquitted. S.4: Where CA felt that the decision should have been one of insanity/unfitness to recognize themselves they could recognize D in the hospital, do custody, order absolute discharge, or supervision and treatment order. Similarly, in cases where CA believe that D should not have been justified, but is found to have made an act/disability omission, they can make orders listed. M'Naughten (1843) 10 Cl and Fin 2000: D shot and killed V while Mad and HL had to answer whether the madness of defense. They said it was: LCJ Tindall said: to establish a defense based on insanity, it must be clearly proven that at the time of committing the act, the party is accused of having toil under such a defect of the mind, from the disease of the mind, as not to know the nature and quality of the act that it makes; or if he knew it, that he didn't know he was doing what was wrong. The question should be left to the jury and the burden of proof falls on the defence. Also, where D is insane in order to misunderstand but otherwise well, the court will judge him according to the circumstances as he considered them, for example, if D madly believes that V is trying to kill him and D kills V in self-defense he is not responsible. If D madly believes that V insulted him and therefore kills him, his, he is responsible. NB dissenters, Mole said that such protection can not be created without the approval of parliament. Hill v Baxter 1958 1b 277: D ignored a road sign that said halt and continued, causing his van to crash. He was charged with dangerous driving. D said he was black and had no control over his actions. Two inconclusive medical reports were submitted. The judges allowed it and acquitted him. The BB allowed the prosecution's appeal, saying that D could not prove the state of automatism and that D was stretched to prove so. In addition, they stated that, if the statute did not provide, medical evidence had no place in establishing mental conditions: it should be derived from the evidence under oath. Fast (1973) GB 910: D was a nurse and attacked a patient during a hypoglycemic attack after he took insulin with perfume and he does not remember the attack. The judge did not allow the automatism to be put on the jury trial, but allowed insanity. D was convicted. CA has made it clear that this is not a case of madness because in the definition of M'Naughten madness was a mental illness rather than a temporary condition caused by external stimulus. Instead, the protection of automation had to be put in place, and therefore the convection was unsafe and abolished (don't say whether automation would have been protected or not). Bailey (1983) Cream.L.R. 353: The boy hit the man on the head with a metal bar during a hypoglecemic attack and was convicted of wounding, after the judge said that the protection of automatics does not apply where the condition is self-employed. CA noted that this direction was wrong and that self-pronounced automatism was a defence, except in cases where the accused had recklessly placed himself in such a state (i.e., knowing that he could provoke violent behaviour, etc., such as drugs or alcohol). Despite the wrong direction, the appeal was dismissed on the grounds that the defendant knew that his inaction to eat after taking insulin could provoke such behaviour. Sullivan (1984) AC 156: D attacked V during an attack due to epilepsy, which, unspoed by V and corroborated by medical evidence, caused him to attack unconsciously about what he was doing. The judge ruled out the possibility of sending automaticity, but admitted insanity. D was convicted. CA AND HL rejected his appeal because automatism is caused by an external factor, while insanity is a disease of the mind, so, says Lord Diplock, the judge was right only to leave the madness as a possible option. HL, quite acceptable, only considered the question of why non-mad automatism is not an option (i.e. because epilepsy is not an external stimulus), and therefore did not say whether the jury should have found the madness, so we do not know seems to comply with the rules of M'Naghton. Hl that one should pity D, but could not detect that automatism was Label. Hennessy (1989) 1 W.L.R. 287: D was diabetic and neglecting to eat or drink or take insulin for a few days and committed some crimes, including driving without a license, in a state of hypoglycemia may have contributed to stress and anxiety. The judge directed madness, but not at automatism, saying that it did not apply. D addressed on the grounds that stress, anxiety, depression, etc. were external factors that buy the full version of these notes or essay plans and more in our criminal law notes. I prepared this note for my students, most students have research online and received grades. What is criminal law means. Criminal law is the body of the law (rules) that refers to crime. . It can be defined as a body of rules defining behaviour that is not permitted because it is considered threatening, damaging or threatening the safety and well-being of people, and which imposes a penalty that must be imposed on people who are not subject to these laws. . Criminal law should be distinguished from civil law. . Criminal law regulates the relationship between man and state. If a person violates the rule of criminal law, it is considered to be much more serious than a violation of civil law regulating the relationship between individuals. In cases where there is a violation of criminal law, the state intervenes and initiates criminal proceedings in the criminal court. If the defendant is found guilty of a crime, the defendant will be punished by the State. Criminal acts are considered crimes against the entire community. In addition to some international organizations, the State is responsible for preventing crime, bringing those responsible to justice, and for dealing with convicted offenders. Police, criminal courts and prisons were state-funded services, although criminal law focused on the role of the courts, how they applied criminal laws and general law, and why certain behaviours were considered criminal. The words commonly used by the accused are charged with a crime: The accused who is convicted of the crime CPS JuryWhat is a crime . The crime is a violation of the law. . Although every crime violates the law, not every violation of the law is considered a crime; for example: breaches of contract and other civil law may be to the rank of crime or violation. Modern societies tend to view crimes against the public or the state as different from torts (wrong to private parties that can lead to a civil case). . When informal relations and sanctions are not sufficient and maintaining the desired public order, the Government or State may impose more formalized or stricter systems of social control. With an institutional and legal mechanism at their disposal, state agents can compel the population to comply with the codes and can those who don't fit. The authorities use various mechanisms to regulate (encourage or deter) certain behaviours in general. Steering or governing agencies can, for example, codify the rules into laws, police citizens and visitors to make sure they comply with these laws, and implement other policies and practices that legislators or administrators have prescribed to prevent or prevent crime. In addition, the authorities provide remedies and sanctions, and together they constitute a criminal justice system. Legal sanctions vary greatly in severity, and may include (e.g.) temporary imprisonment aimed at reforming a convict. Some jurisdictions have criminal codes written for permanent severe punishments: FGM, the death penalty or life imprisonment without the possibility of parole. Five objectives are widely recognized for the execution of criminal law by punishments: retribution, deterrence, disability, rehabilitation and restitution. Retribution - Criminals must suffer in some way. This is the most common goal. Criminals have taken advantage of the wrongful advantage or caused unfair harm to others, and therefore criminal law will put criminals in some kind of unpleasant disadvantage to balance the scales. People obey the law to obtain the right not to be killed, and if people are contrary to these laws, they surrender the rights granted to them by law. Thus, whoever kills can be killed himself. The related theory includes the idea of the right balance. Deterrence - Individual deterrence is aimed at a specific offender. The aim is to impose sufficient penalties to prevent the offender from criminal behaviour. General deterrence is aimed at society as a whole. By imposing a fine on those who commit crimes, others are not encouraged to commit these crimes. Disabilities - Intended simply to keep criminals away from society so that the public is protected from their misconduct. This is often achieved through imprisonment today. The death penalty or expulsion served the same purpose. Rehabilitation is the goal of turning the offender into a valuable member of society. Its main purpose is to prevent further crime by convincing the offender that their behaviour was wrong. Restitution - This is a victim-oriented theory of punishment. The aim is to compensate the victim by the offender through the state authorities. For example, whoever assigns will have to repay the amount incorrectly purchased. Restitution combined with other major objectives of criminal justice and is closely linked to the concepts of civil law, i.e. the return of the victim to the original position. The principle of legality is the principle that should be clear enough de?ned to people who want to be law-abiding, to live their lives con?dent that they will not break the law. Consider living in a state that had criminal law: It is a criminal offense to behave badly. You don't know what it means to misbehave. You can try as hard as you could to live a legitimate life, but still ?nd that the authorities view a certain part of the behavior as bad. This principle is often seen as a key aspect of the Rule of Law, a concept that many constitutional lawyers promote as a central plank of a healthy legal system. This principle is now enshrined in our criminal law under the Human Rights Act 1998, as we shall see. This principle has a number of aspects of speci?c, including the following: (1) The law should be clear. (2) The law must be able to obey. A law prohibiting public breathing clearly infringes on this principle. (3) The law should be readily available to the public. If all the laws were kept secret, even if they were written in the clearest language, you would not be able to keep them. An example of an offence that may violate this principle is section 5 of the Public Order Act 1986, which states that participation in disorderly conduct or threat, offensive or abusive behaviour that may cause harassment, alarm or alarm, is an offence. This is potentially a very broad offence, and in fact it gives the police the right to arrest people for whose behaviour they disapprove. One study found that it is commonly used to combat people who swear by the police?cers, which is different from what the crime was originally designed for. The principle of responsibility is the principle that people should be guilty only of the conduct for which they are responsible. Thus, people should not be guilty of conduct over which they had no control. This principle may be violated if the criminal law punishes the person for the conduct he has committed while suffering from illness. The principle of minimal criminalization This principle assumes that criminal law should prohibit something only in case of absolute necessity. There are practical reasons for this principle: our courts and prisons are quite overcrowded, as they are without the creation of an increasing number of offences. But there is also a principled. Criminal sanction shows that the behavior was not just bad, but bad enough to bring criminal charges. This censure function will be lost if less serious behaviour is criminalized. It should be remembered that criminal law is only one way of criminal conduct that is considered undesirable. rewards for good behaviour, shame and civil litigation are an alternative that the law has at its disposal to combat bad behavior. So one has to ask whether this is to have, according to Andrew Seamester and G.R. Sullivan, 8,000 laws that create criminal offenses. The principle of proportionality of the sentence for the crime must be re-accepted with respect to the seriousness of the crime. It's kind of obvious. It would be patently wrong if murder was a less serious sentence than an assault, say. However, there is a more complex debate as to whether one offence is more or less serious than another: is rape more or less serious than cutting off a hand? In order to deal with such more difficult cases, we need a way to assess the seriousness of the harm done to the victim. The principle of fair labeling This principle requires that descri ption of a crime must conform to the wrongly done. For example, if the accused was found guilty of rape, his conduct should be rightly described as rape. There is therefore debate as to whether unnatural non-consensual sexual intercourse should be described as rape or another name. A distinction must be made in the commission of a crime between the loss suffered by the victim and the damage done to the victim. But the wrongs they have done for them are different: the way their property has been lost is morally important. Criminal law therefore distinguishes between criminal damage and theft. There is more to this point than this. Imagine that both Edward and Fred were pushed, but Fred was intentionally pushed and Edward accidentally. They may have suffered the same harm, but the wrong done for them was different. Edward can laugh the event off like an accident, waiting for an apology in the majority. However, Fred would regard this incident as a serious intrusion into his right to bodily integrity. Thus, the defendant's state of mind is an important aspect of the crime committed by the victim. Criminal law jurisdictions in England and Wales do not have a criminal code, although such a document is often recommended and tried. As of April 2009, the Law Commission is again working on Code.Arguments for CodeAttorney General Sir John Holker said: Of course, it is desirable that anyone who may want to know the law on a particular issue should be able to turn to the chapter of the Code, and there to find a law that he is in search of explained in a few understandable and well-constructed proposals; and he won't have to enter on a lengthy examination of Russell for crimes, or Archbold, and other tutorials, because he will have a brief and clear statement in front of him. Sir John Smith was generally opposed to the legal codes, but said: criminal law is completely different. It is inconsistent and inconsistent. The state is almost any general principle, and you will find one or more leading cases that Him. It is littered with differences that have no basis, but are mere historical accidents. I'm in favor of codifying criminal law because I don't see any other way to reduce the chaotic system how to eliminate irrational differences and ensure that a sufficiently understandable, accessible and defined law is provided. These are all practical objects. Irrational differences mean injustice. A is treated differently than B when there is no rational soil to treat it differently; and it's not justice. If there is no criminal law how does it work? Work on various independent laws, such as the murder of a crime : Crimes against the Law of man, 1861Criminal Courts Structure See. rice; The attached documentCase LawWoolmington v DPP (1935) UKHL 1 is a well-known case of the House of Lords in English law, where the presumption of innocence was first formulated in the Commonwealth.Reginald Woolmington was a 21-year-old agricultural worker from Castleton, Dorset. On November 22, 1934, three months after her wedding to 17-year-old Violet Kathleen Woolmington, his wife abandoned him and went to live with his mother. On December 10, Woolmington stole a double-barrelled shotgun and ammunition from his employer, sawed off his gun, threw it into a creek, and then bicycleed to his mother-in-law's house, where he shot Violet. He was arrested on 23 January the following year on charges of the premeditated murder of his wife. Woolmington claimed he had no intention of killing her. He wanted her back, so he planned to scare her by threatening to kill herself if she didn't come back. When he questioned her

about returning, he tried to show her the gun he had to use to kill himself. Accidentally, a gun shot Violet in the heart. The judge ruled that the case was so strong against Woolmington that it was inspired to show that the shooting was accidental. At the trial, the jury deliberated for an hour and 25 minutes. On February 14, 1935, Woolmington was convicted and sentenced to death. In appealing to the Court of Criminal Appeal, Woolmington argued that the judge in the wrong-case case was wrong to appoint a jury. The appellate judge rejected the argument using the common law precedent as stated in the Foster Crown Act (1762). ... In each charge of murder, the fact of the first murder, all the circumstances of the accident, necessity or infirmity must be satisfactorily proved by the prisoner, unless they stem from the evidence presented against him; for the law presupposes the fact that it was founded in malice, unless the opposite appears... The question brought to the House of Lords is whether the legal statement in the Foster Crown Act is correct when it says that in cases where a death has occurred, it is presumed to be murder, if not proven otherwise. In formulating the decision, Viscount Sankey made his famous Golden Thread speech: Throughout the web of English criminal law one gold thread should always be considered that it is the duty of the prosecution to prove the guilt of the prisoner provided protection of insanity and subject to also any legislative exceptions. If If end and in general the case, there is a reasonable doubt created by the evidence, the data of either the prosecution or the prisoner ... the prosecution would not identify the case and the prisoner was entitled to an acquittal. No matter what the charge is or where the court is, the principle that the prosecution must prove the prisoner's guilt is part of the common law of England, and no attempt to nullify him can be entertained. The conviction was overturned and Woolmington acquitted. He was released three days before the scheduled execution date. Key points to remember1. Criminal law regulates the relationship between man and state. If a person violates the rule of criminal law, it is considered to be much more serious than a violation of civil law regulating the relationship between individuals. In cases where there is a violation of criminal law, the state intervenes and initiates criminal proceedings in the criminal court. If the defendant is found guilty of a crime, the defendant will be punished by the State. The crime is a violation of Law 3. Five objectives are widely recognized as penalties to ensure compliance with criminal law: retribution, deterrence, disability, rehabilitation and restitution 4. The principles of criminal law (above) 5. There is no Criminal Code in England and Wales. The accused is innocent until proven guilty and the CPS must prove it, Woolmington's case. We will study criminal law from this point of view At this stage you have to understand; Crime. Criminal law, how to judge a crime, and the principle of the Woolmington caseSelf Assessment issue ; Why the Woolmington case is important introduction to criminal law notes pdf. introduction to criminal law lecture notes