

Guide to Answering Criminal Law Questions

Causation Tests

Operating and Substantial Cause

- *Requires the defendants act/omission substantially or significantly contributed to the crime*
 - **R v Hallett** – unconscious ocean drowning
- *Take your victim as you find them*
 - **R v Blaue** – stabbed a Jehovah's Witness
- *Medical Negligence*
 - **R v Jordan** – medical treatment palpably wrong
 - **R v Smith** – original wound still the operating substantial cause
 - **Evans & Gardiner (No. 2)** – death a year after operation

Novus Actus Interveniens

- *An intervening act which breaks the chain of causation.*
- *Either a voluntary human act or an extraordinary coincidental event*

Natural Consequences

- *A test which poses the question whether the victim's act was something that could reasonably been foreseen as a consequence of what the accused was saying or doing*

Reasonable Foresight

- *A person shouldn't be morally culpable for harm which was neither intended nor reasonably foreseeable*
- *Self-preservation test*
 - **Royall v R** – girlfriend balcony jump
 - *D induced in V a well-founded apprehension of physical harm*
 - *It was reasonable for V to wish to escape*
 - *V selected a reasonable mode of escape (circumstantially reasonable)*

Answering Law Questions Guide

Herbert Newman Mozley



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