

## Guide to Answering Criminal Law Questions

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### Causation Tests

#### Operating and Substantial Cause

- Requires the defendant's 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
  - *Boyall 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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