

General elements of liability and Offences against the person

ACTUS REUS OF MURDER

There are 5 scenarios set out below. Read through each one and state:-

- whether the required *actus reus* for murder is present, and
- the appropriate authority which you could apply.

Sarah has had a row with her neighbour, Jayne, and decides to kill her. She takes a revolver, loads it and shoots it at Jayne when she sees her out in the garden. Jayne dies.

Leon decides to kill Tyrone. He goes to Tyrone's house, looks through a window and sees that Tyrone is alone and asleep on the sofa in the lounge. Leon thinks this is his ideal opportunity and shoots Tyrone. Leon does not know that Tyrone has just suffered a heart attack and is already dead.

Jim, John and Joe are soldiers. They frequently have fights with each other but one fight gets out of hand and Joe is stabbed in the stomach by John. Jim and John take Joe to the hospital. The hospital is very busy and Joe is not seen straight away. When he is finally seen, he is prescribed medicine to which he is extremely allergic and he dies as a result.

David breaks into Tracey's house. He believes that Tracey has gone out for the evening and that the house is empty. Tracey returns early and disturbs David who panics and throws a pot plant at Tracey. The plant hits Tracey and she falls to the ground, hitting her head on the table. David escapes and Tracey's neighbour calls for an ambulance. The hospital can save Tracey's life provided that she has a blood transfusion. She objects on religious grounds and dies.

Jack is walking down the street when he sees his ex-girlfriend, Jade, who is pregnant with their child. Jade has refused to see Jack. He has told her that he wants nothing to do with her or the baby when it is born. Jack runs across the road towards Jade and stabs her in the stomach several times intending to kill the baby. Jade is rushed to the hospital where the baby is born alive but dies a week later from the injuries caused by the stabbing.