

1. **Diane caught her husband Charles cheating on her. She wants to hurt him the way he has hurt her so she aggressively pushes Charles, leading him to fall violently backwards and hits his head on the corner of a table. He dies from his injuries.**

A defendant will be criminally liable for murder if they have committed the relevant AR with the appropriate MR for murder under **Coke's definition** of unlawful killing of a human being under king's peace with malice aforethought.

AR of unlawful killing can be either a voluntary act (**Hill v Baxter, Woolmington**) or an omission under a common law duty. When Diane aggressively pushes her husband, Charles, leading him to fall violently backwards and hitting his head on the corner of a table, Diane's push amounts to a voluntary act of unlawful killing of a human being (**Clegg**), especially when the push was aggressive. Under causation, if it was not for Diane pushing Charles, leading him to fall violently backwards and hitting his head on the corner of a table, he would not have suffered his injuries and died consequently (**Pagett & White**). Her conduct was the operative and substantial cause (**Smith**) and significant (**Benge**). There was no intervening event that broke the chain of causation, consequently sustaining factual and legal causation. Thus, satisfying AR for murder.

For MR of murder, malice aforethought is the intention to either kill or cause GBH. Intention can be direct or indirect, for direct intention defendants aim, objective and desire (**Mohan**) to either kill or cause GBH. Diane wants to hurt her husband, Charles, as she caught him cheating on her. When Diane aggressively pushed Charles, she had the desire, aim and purpose to bring about serious injury. The question is for murder is whether Diane had the intention to cause death or GBH. She certainly wanted to hurt him, but for murder, it must be shown she intended serious harm or death and not just any harm (Vickers). Diane aggressively pushing Charles, coupled with her emotional state after catching Charles cheating on her can sufficiently demonstrate that she could have the desire to cause serious harm and even kill him. However, if direct intention cannot be established, then the jury could find oblique intention under **Woollin** direction, that is it was virtual certainty that Diane aggressively pushing Charles, would lead to the consequence of causing serious injury, i.e. GBH, and that Diane would appreciate this outcome (**Woollin** was affirmed by **Mathew and Alleyne**). Thus, satisfying MR even if Diane's primary aim was not to kill Charles, and thus establishing Diane's criminal liability for Charles murder.

2. **Debbie believes her boyfriend Chris is cheating on her. Her boyfriend tries to stop her leaving him and justify his cheating on the street, she pushes him out of her way on to the upcoming traffic where a car hit him and he dies from his injuries.**

A defendant will have the mens rea for murder, if he has malice aforethought that being the intention to kill or cause GBH. Intention can be direct or indirect, for direct intention Diane aim, objective and desire (**Mohan**) to either kill or cause GBH. Indirect (oblique) intent is not concerned with desire, aim or purpose (**Mohan**). A jury will find indirect (oblique) intent where the consequence was a virtual certainty of the defendant's actions, and that the defendant appreciated this (**Nedrick, Woollin**). Debbie does not have the desire, aim or purpose to cause the mens rea of murder, that is to cause death or GBH, but the jury can find that when Debbie pushes her boyfriend out of her way onto oncoming traffic, the consequences that he will be hit by a car from the oncoming traffic would lead to injury or even death are virtual certainty, and she would definitely appreciate even though she only wanted her boyfriend to get out of the way. Therefore, indirect intention can be established where a jury can find with virtual certainty that Debbie action was to bring about boyfriend Chris's injury which led to death, and Debbie realise this.

3. Dawood, a teacher is striking due to low pay, he wants to stop other teachers from crossing the picket line. So he pushes a concrete block in order to stop another teacher's car, Tom from passing but instead it hits Tom's car wheel, rolling the car over on his head. Tom dies from his injuries.

Indirect (oblique) intent is not concerned with desire, aim or purpose (**Mohan**). A jury will find indirect (oblique) intent where the consequence was a virtual certainty of the defendant's actions, and that the

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defendant appreciated this (**Nedrick, Woollin**). Dawood does not have the desire, aim or purpose to cause the mens rea of murder, to cause death or GBH. However, the jury can find from Dawood's action of pushing a concrete block in order to stop Tom's car passing, that the consequences of hitting the car or even injuring Tom are virtual certainty, and he would definitely appreciate even though he was only trying to stop Tom car's passing. Therefore, indirect intention can be established of jury finding virtual certainty to bring about Tom's injury which led to death, and Dawood realised this.

4. Dimitri was driving to work when he sees his boss who failed to give him a promotion which he worked hard for, crossing the road. He saw his opportunity to sort him out once, in resentment he accelerates and knocks Dimitri off the road. His boss dies from his injuries.

A defendant will have direct intent if it is his desire, aim or purpose (**Mohan**) to bring about consequences. Dimitri wants to sort his boss out once for all, as he did not give him a promotion. When Dimitri accelerated and knocked his boss off the road, he had the desire, aim and purpose to bring about injury. The question is for murder did Dimitri have the intention to cause death or GBH. He certainly wanted to hurt him as he overlooked him for promotion even though he had worked hard and demonstrated resentment for this. Therefore, direct intention can be established as Dimitri had the desire, aim and purpose to bring about his boss's injuries which he then died from.