

# Criminal Law

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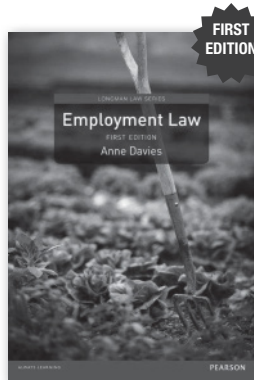
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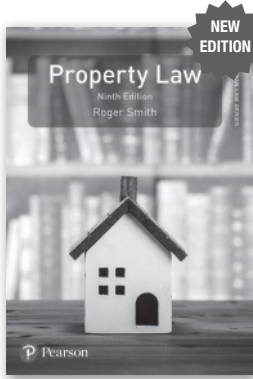
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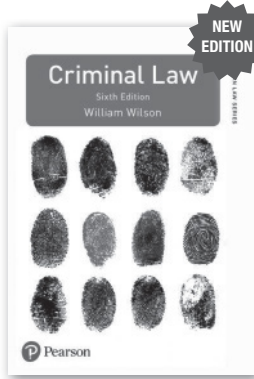
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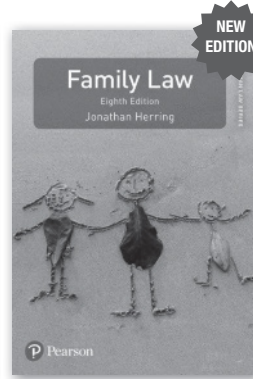
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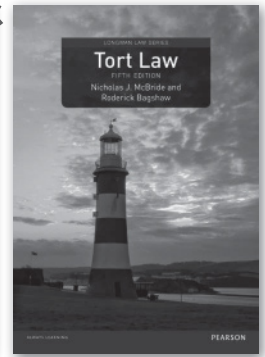
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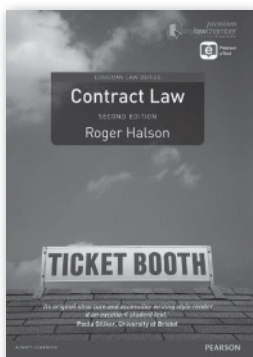


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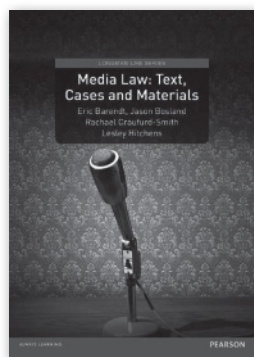
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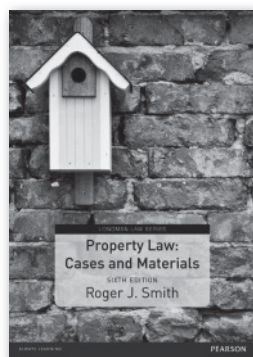
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Sixth edition

William Wilson



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# Preface

This is the sixth edition of *Criminal Law*. A number of interesting developments have occurred since the last edition.

Most noteworthy is the case of *R v Jogee and Ruddock* on joint enterprise, which has necessitated a substantial rewrite of Chapter 19. It will be interesting to see how this apparently radical reassessment of joint enterprise will affect prosecution practices and case outcomes. It should be noted that the case has not gone down well in a number of jurisdictions, including South Australia (*Miller v The Queen*; *Smith v The Queen*; *Presley v D.P.P. for the State of South Australia*) and Hong Kong *H.K.S.A.R. v Chan Kam-shing*.

The Supreme Court has agreed with the Court of Appeal ruling in *Golds* (2014) on the meaning of 'substantial' for the purpose of diminished responsibility.

The Court of Appeal in *The Queen On the application Collins and The Secretary of State For Justice* (2016) have reduced, almost to vanishing point, the effect of section 76 5A Crime and Courts Act 2013 on the test of reasonableness in self-defence involving householders.

Doubts concerning the authority of *Jaggard v Dickinson* have resurfaced in *Magee v Crown Prosecution Service*, 179 J.P. 261, D.C. (2014).

Other significant cases include *R. v Brandford* (2016) on duress; *Robinson v State of Trinidad and Tobago* (2015) on diminished responsibility; *R. v Willcocks* (2016) on loss of control; *R. v Ali and Ashraf* (2015) on consent in rape; *R. v Dunn* (2015) on indecent assault; *Nicklinson* (2015) and *Carter v Canada (Attorney-General)* (2015) on the implications for human rights of the prohibition on assisted suicide; and *Dixon* (2015) on the question of whether digital files constitute property for the purpose of theft.

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# Abbreviations

The following abbreviations are commonly used in the course of this book and are provided here for ease of reference.

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## **Part I**

### Introduction