

Chapter 12

The defendant suffers a medical condition which means that he will die unless he takes certain tablets every two hours. He runs out of medicine and asks his doctor for some more. The doctor says he will give the medicine only if the defendant injures his wife, which he does. Can the defendant plead duress? (N.B. Is there a threat here, or an offer?)

The defendant will argue that he was facing a threat of death or serious injury. This need not emanate from the doctor, because the case can be regarded as one of duress of circumstances. The key issue will be whether or not the defendant acted reasonably. One question will be whether or not there was an opportunity to seek assistance from the police to avoid the threat.