# Answer guidance

## Question:

Al and Bo’s relationship ended when Bo left because of Al’s heavy drinking. Furious, Al poured white spirit through Bo’s letter box and set fire to it at 2am. The fire spread rapidly throughout Bo’s flat. Unknown to Al, Bo was on holiday, but his sister Chris was staying in the flat. Chris was suffering from severe smoke inhalation by the time she was rescued. Fire officer Danesh attempted to carry her to safety, but he dropped her. Chris suffered a fractured skull and died. On hearing the news an hour later, Bo flew into a rage and went to Al’s flat. Al’s flatmate Eileen answered the door. Bo, who suffered from serious depression, stabbed her through the heart and she died.

Advise on the criminal liability of Al and Bo.

## Key issues:

* Al’s liability for Chris’s death
	+ AR: causing death – break in the chain?
	+ MR: intention or recklessness? Transferred malice?
	+ Defence: loss of control?
* Bo’s liability for Eileen’s death
	+ AR: causing death
	+ MR: intention to kill/cause GBH
	+ Defence: loss of control? Diminished responsibility?

## Key law

You will find relevant legal rules in:

* Murder:
* AR – section 4.1 and see chapter 2 for causation
* MR – *Nedrick/Woollin*, section 4.2, and see chapter 3 for more detail on intention and transferred malice
* Diminished responsibility – s2 Homicide Act 1957, section 4.7
* DR and intoxication – section 4.7.3, *Dietschmann*
* Loss of control – ss54 and 55 C&JA 2009, section 4.8
* Loss of control and intoxication - *Asmelash*

## Hints:

* Consider each person’s liability in turn
* Remember that foresight of virtual certainty is a very high standard: phrases like ‘very likely’ indicate recklessness, not oblique intention.