# Answer guidance

## Question:

Amrit, a cannabis user, was confronted one night by George, his drug supplier who had a reputation for violence. George drove Amrit to a house, supplied him with a knife and ordered him to break in. George threatened Amrit that unless he took at least £5000 worth of jewellery, Amrit’s family would be injured. Amrit forced open a ground floor window with the knife and climbed through; he immediately picked up a watch which was on the living room table and put it in his pocket. Claude, the owner of the house, had heard the window opening and walked into the room. George leaned through the window and shouted to Amrit to knife Claude in the arm, or he would shoot Amrit in the arm. Claude then grabbed a heavy sculpture and threw it at George’s head, killing him. Amrit dropped the knife and ran away

Discuss Amrit and Claude’s criminal liability, ignoring any drugs offences.

## Key issues:

* Amrit’s liability for burglary
  + AR/MR of burglary (this will be covered fully in Chapter 10, but Russell clearly entered the house as a trespasser and committed theft, with full MR)
  + Defence: duress
* Claude’s liability for murder
  + AR/MR of murder (remember this includes intention to cause GBH)
  + Defence: self-defence; loss of control

## Key law

You will find relevant legal rules in:

* Burglary: Chapter 10
* Murder: Chapter 4
* Duress: *Graham, Hasan*, section 7.1
  + Voluntary association: *Hasan*
* Self-defence: s76 Criminal Justice and Immigration Act 2008, *Williams (Gladstone)*, section 7.3
  + Excessive force: *Palmer, Clegg*
  + Householder: s76(5A) CJIA 2008, *Ray*
* Loss of control: Chapter 4

## Hint:

* When answering questions which appear to be focused on defences, do not forget to establish the AR and MR of the offence
* Loss of control is a possible alternative where self-defence is unavailable e.g. due to use of excessive force