# Answer guidance

## Question:

A, who physically and mentally abuses his girlfriend B, punches her in the stomach very hard, intending to injure her. She is 24 weeks pregnant. B falls and is knocked unconscious when her head hits a marble fireplace. A takes her to hospital. B undergoes a caesarean section. Her child (C) is born alive but very premature. After three months, C dies from a chest infection. B returns to the home she shares with A, whose abusive behaviour continues. Grieving and depressed, she begins hearing voices which tell her to kill A. One night, she drinks four vodkas and stabs him with a kitchen knife. She knows that it is wrong but cannot stop the impulse to kill him. B dies four days later.

Have A or B committed any criminal offences?

## Key issues:

* A clearly committed an assault.
* However, did A also commit homicide against C?
* Is B liable for a homicide offence against A?

## Key law

You will find relevant legal rules in:

* Murder:
* AR – section 4.1
* Is C a legal person in being? *A-G’s Reference (No. 3 of 1994)*, section 4.1.4
* Causation – section 4.1.2
* MR – section 4.2
* Transferred malice – *A-G’s Reference (No. 3 of 1994)* and see Chapter 3.
* 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*

## Hint(s):

* Deal with each offence separately
* Make sure you apply the law to the facts: identify the key elements of the cases, and discuss how they apply in this scenario, rather than simply repeating a summary of the case.