# Answer guidance

## Question:

D, a timid 19-year-old woman, moves in with her boyfriend, X. The relationship degenerates as X becomes violent towards her. X is facing trial for unrelated GBH offences and demands that D gives false evidence on his behalf. Too frightened to refuse, D does so as a result of which X is acquitted. The following week, X takes D on a holiday to the Welsh mountains but his violence continues. Near the summit of Snowdon he puts his hands around her neck. Fearing for her life, D pushes him over a precipice. As they are roped together, X’s weight soon threatens to pull D over the ledge. He manages to shout that all he wanted to do was to adorn her neck with a diamond necklace, a surprise present concealed in his hands. D catches a glimpse of it as it falls from his grip. Unable to stop her inevitable fall in any other way, D cuts the rope and X falls to his death. Does D have any defence/s to the offences in this question? (You are not expected to discuss perjury but are required to identify and explain relevant defences to this and any other crimes.)

## Key issues:

* Duress
* Self-defence
* Necessity

## Key law

You will find relevant legal rules in:

* Duress – section 7.1:
  + *Graham, Howe*
  + Threat: *Baker & Williams*
  + Immediacy of threat: *Hasan* (you may also consider *Hudson & Taylor, Abdul Hussain, Cole*)
  + Mistaken belief in threat: *Cairns, Safi, Hasan*
  + Objective test: *Graham, Bowen*
* Self-defence – section 7.3:
  + s76 Criminal Justice and Immigration Act 2008
  + *Williams (Gladstone)*
  + Characteristics: *Martin, Shaw*
  + Degree of force: *Palmer, Williams, Shaw*
* Necessity – section 7.2:
  + *Re A (Conjoined Twins)*; and see also *Dudley & Stephens*

## Hints:

* Read the question carefully! It is only asking you to discuss defences, so you should identify the main offences but do not need to discuss them.
* Deal with each incident and each defence separately
* Remember that duress cannot be a defence to murder