# Answer guidance

## Question:

Al and Beryl had a sexual relationship which Beryl decided to end after several months owing to Al’s possessiveness. Al made many silent telephone calls and sent Beryl several threatening letters causing her some distress. Beryl began to go out with Clem with whom she liked to engage in aggressive spanking. On one occasion this caused Beryl minor grazes which became infected. She was successfully treated by Dr Dave who concealed the fact that he had been struck off the medical register six months earlier.

Al followed Beryl and Clem around a supermarket one day. Clem warned him that if he did not go away he would punch Al on the nose. They started to fight during which Al shoved a trolley towards Clem. It hit a stack of tins which fell on top of him. One hit Clem in the eye causing his sight to be permanently damaged. Al then head-butted PC Ed who had arrived on the scene. PC Ed hit his head on a check-out desk, causing his skull to fracture with a profuse loss of blood. After several months, Beryl discovered that she was HIV positive. She had not had sexual intercourse with anyone but Al.

Discuss the criminal liability of Al, Clem and Dr Dave.

## Key issues:

* Al:
  + Silent telephone calls and letters: assault? Harassment?
  + Eye injury: s18/s20 GBH? Defence?
  + Skull fracture: s20 GBH?
  + HIV infection: s20 GBH?
* Clem:
  + Infected graze: battery/ABH?
  + Threat to punch Al: assault?
* Dr Dave: battery?

## Key law

You will find relevant legal rules in:

* Protection from Harassment Act 1997 (section 8.10)
* Ss 18, 20 and 47 Offences Against the Person Act 1861 (sections 8.1-8.5)
* *Burstow/Ireland* (section 8.1.2)
* *Miller* (section 8.3.2)
* *DPP v Smith* (section 8.4.2)
* *Dica, Konzani* (sections 8.4.2, 8.6.3)
* S71 Domestic Abuse Act 2021 and *Brown* (section 8.6.2)
* *Richardson* (section 8.6.3)
* You might also consider self-defence (chapter 7, section 7.3)

## Hints:

* Deal with each person and each offence in turn.