# Answer guidance

## Question:

A1, A2 and P jointly agree to burgle V’s house, taking with them a crowbar to break open a window. It is agreed that A2 will act as look out. A1 breaks open the window and hands the crowbar to P whilst they climb inside. They hear footsteps on the stairs and see V approaching. P rushes at V wielding the crowbar. A1 jumps back out through the window and runs off. In fact, P drops the crowbar and produces a knife with which he stabs and kills V. The knife had been lent to A by X, an associate who was aware that A had previous convictions for violence and that he might use it for a similar offence.

Discuss the liability of A1, A2, P and X on the basis of the following:

• A1 and A2 knew P was violent and that he might kill with the crowbar if disturbed although they sincerely hoped this would not happen.

• A1 was P’s younger brother who had been threatened by P with violence unless he accompanied him on the burglary.

## Key issues:

* Joint venture to burgle. Does A1 have a defence?
* Murder during joint venture: are A1 and A2 liable for P’s act going beyond the original plan? Does A1 have a defence of duress?
* Murder during joint venture: is X liable for aiding and abetting?

## Key law

You will find relevant legal rules in:

* Joint venture where P goes beyond original plan: *Jogee*; sections 13.3.1 and 13.3.3.
* Withdrawal: *Rajakumar*; section 13.5.3.
* Duress: see Chapter 7, section 7.1; note that it is not a defence to murder: *Howe*.
* Aiding and abetting: section 13.2; *Jogee; Maxwell v DPP for NI, Bainbridge*.

## Hint:

* Note that the law is not always clear, for example on the knowledge of circumstances required for aiding and abetting.