

Involuntary must be
unlawful. the act
requires proof

Sociology, Violence



Involuntary manslaughter involves the situation where the defendant kills the victim but there was no guilty mind (mens rea) for murder. As some performance would be impossible to prove whether the defendant intended to kill or causes great bodily harm, the defendant cannot be convicted of murder. However, the defendant can still be held criminally liable for the victim's death in the form of involuntary manslaughter. 1) must be an intentional act. The performance must be a positive act, intentionally committed by the defendant.

The act of neglectful omission is inadequate (Lowe). 2) must be unlawful. The act requires proof of a criminal offence; actus reus and mens rea must be presented. If one or both of these elements is absent, the criminal liability is not established. Thus, the liability of UAM cannot be established (Lamb). 3) must be objectively dangerous. The objective test for dangerousness was established in Church "the act must be dangerous from the point of view of the reasonable man.

"The prosecution is not required to show that the defendant saw the act was dangerous and could cause some harm. 4) causes the death of other person by that act. The factual and legal cause of victim's death must be proven by the prosecution according to the usual rule of causation (Goodfellow). To fulfil the element, there must be no intervening act that will break the causation of chain. Keith intentionally arranged to equip heroine with syringes for Kurt. His act of supplying an illegal drug to another person constitutes an offence prohibited under S. 4 of MODA Drugs 1971.

The act was dangerous as he supplied malicious administration of a poison or noxious thing so as to endanger life or inflict GBH. But Kurt did not have overdose to death by Keith's act of supplying drug. Nonetheless, Keith is unlikely to be convicted by UAM in respect of Kurt's death because Kurt was a fully informed and responsible adult, he voluntarily injected himself, which can be regarded as the act of self-administrative. The act of self-administrative breaks the chain of causation as in *Dias and Kennedy* no. 2, Lord Birmingham stated " The crucial question is not whether the defendant facilitated or contributed to administration of the noxious thing but whether he went further and administered it. What matters, in a case such as *R v Rogers* and the present, is whether the injection itself was the result of a voluntary and informed decision by the person injecting himself. In *R v Rogers*, as in the present case, it was, therefore, wrongly decided." concluded Lord Birmingham, the voluntary act of self-administration averts a finding of guilt of UAM.

she asked Keith for assistance and he injected the substance into her arm. The elements of UAM were all presented. Keith intentionally did the act, by handing over syringe of heroine to Janis. There is an unlawful act as in *Cato* it was held that the administration of heroine to the victim was amounted to an unlawful for the purposes of UAM, and victim's consent to the injection is not a defence to manslaughter. In this regard, the act was objectively dangerous. Heroine is Class A drug, which is the most harmful classification under the Misuse of Drugs Act 1971 and caused death to victim (*Dalby*). As a

result, Janis died because of drug overdose. Therefore, Keith could be accused of UAM and liable for the death of Janis.

Firstly, it must be proved that the act was intentionally committed and not the resultant death, in the sense of positive act, not an omission. Ginger's act was intentional in confronting Lenny and slammed his fist in front of Lenny during their meeting. Secondly, the prosecution must prove that Ginger's act constituted criminal offence Ginger became furious and bang his fist on the desk.

He committed an assault, which is contrary to s. 39 of CJA 1988. He intentionally (or recklessly) caused apprehension, immediate and unlawful personal violence to another person as in Logdon. Lenny was apprehended of such violence when Ginger became aggressive, he recognized that the act of slamming was a threat, and was scared of the possibility of immediate personal violence as he thought that anything could happen at any time. Therefore, Ginger put Lenny in fear by being exasperated and then frightened Lenny with noise and coercive action (slamming his fist).

Thirdly, the act must be objectively dangerous from the point of view of the reasonable and sober person (Ball). It is arguable whether Ginger's act was dangerous or not. As stated in Dawson, the Court of Appeal held that the victim's illness is insufficient as if the defendant could not expect victim's heart condition to be obvious to a reasonable man. By contrast, if the reasonable sharing knowledge the defendant gained during the commission of unlawful act would have perceived a risk of some harm to the victim, the

act will be amounted dangerous (Watson). It was not clear whether Ginger was aware Lenny's heart condition. If not, the dangerous element of UAM was not satisfied. However, Ginger was aware of Lenny's age and health condition, as he consumed heroine as well.

Ginger ought to have been aware of the risk of some harm that a reasonable man would be attributed with knowledge. Hence, the act constituted a dangerous act. Finally, it must be proven that the act of an assault causes death. The usual rule of causation, factual causation test, must be applied.

But for Ginger's action of being abusive, Lenny the drug provider would not have died (White). In addition, there is no intervening act, as the egg shell rule proposes that the defendant remains liable for the result of conduct, within or without knowledge that the victim suffers from latent or particular susceptibility due to pre-existing physical condition (Hayward) or in other words, " you take your victim as you find them". consequently, the all four elements were satisfied and Ginger is likely to be guilty of UAM.