

# Case of law



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BUSTER**

of the of the Concerned 7 January 2008 R v PAGETT (1983) 76 Crim App Rep 279 In the law suits pertaining to homicide and manslaughter, the task of assigning causation to an accused often turns out to be a tricky and difficult responsibility. One particular case that brought the issue of causation to the forefront of legal debate is R v PAGETT (1983). The appellant in the case under consideration was a 31 year old male who used his 16 year old, six months pregnant girlfriend as a human shield in a long stand off with the police that eventually led to the death of that girl by the shots fired by the police in self defence and without specifically aiming at the girl. In 1981, the accused was convicted on eight counts by the Crown Court at Birmingham that included one count of manslaughter. Later on, the accused appealed against the conviction of manslaughter that was dismissed by the court of appeal.

I strongly agree with the court's decision in this case. This agreement is based on a reasonably thorough understanding of the principles of causation. One basic thing about law is that it is a vibrant and continually evolving institution that is open to relative interpretations. However, it is imperative for this institution to retain a sense of stability amidst this continuity by rejecting to compromise on some fundamental concepts that include the principles of causation. The decision of the court in this case is justified in the sense that it emphatically refused to allow a relative interpretation of the basic and long standing principles of causation and reinforced the need for an adherence to the long cherished fundamentals of causation.

Sine qua non or 'but for' is the fundamental limb of any causation test. This initial step in establishing causation in the given case reveals without doubt that the death of the girl would have never occurred 'but for' the situation

unleashed by the appellant. Infact her death was the culmination of a long chain of events initiated and perpetuated by the appellant. Had he not created such a grave law and order situation, one utterly fails to locate any other reason that would have caused her death. The degree of remoteness between the conduct of the appellant on that fateful night and the death of the girl is infinitesimally small and negligible. Undeniably there exists a very strong connection between the death of the victim and the conduct of the appellant on that night.

The application of the second basic limb of causation test applied in the given case i. e. Legal or Proximate Cause is in no way obliterated by the principle of novus actus interveniens extended by the appellant in his defence. A study of the circumstances that night reveals that the policemen dealing with the situation were professionally trained in the handling of hostage situations and the shots fired by them were not in the pursuance of some independent course of action, but the direct and foreseeable outcome of the appellant's conduct and were perfectly in agreement with the recognized fundamental principles of self defence and law enforcement (Colvin, 2009).

The act of causation certainly has a quantitative aspect and a logical enquiry into it enforces the count of manslaughter on the appellant. Hence the decision of the court is apt and valid.

#### References

Colvin, Eric 2009, Causation in Criminal Law, viewed 7 January 2008,