

DEFENCES

DEFENCE COUNCIL

It is up to the defence council to represent the interests of the accused. In developing a defence strategy the defence will obtain details of the incident from many direct sources including:

- Police reports
- Eyewitness accounts
- Accused's recollection of the facts

ALIBI

- Proof that the accused could not have committed the criminal act because they weren't there.

AUTOMATISM

- A criminal act occurs as a result of unconscious involuntary behaviour.

MENTAL DISORDER

- Accused must prove that they have a disease of the mind.
 - Usually only used in murder cases
 - Formerly called insanity

INTOXICATION

- Accused claims that they are not responsible because they were intoxicated.

MISTAKE OF FACT

- A criminal act is committed but the accused believes that because of the circumstances of the crime, that nothing wrong was done.
 - Ignorance of the law is not a defence
 - Ex. An accused murderer believed that the gun wasn't loaded

SELF-DEFENCE

- Accused argues that because of the circumstances there is an excuse or justification of the criminal act.

DURESS

- Accused argues that the act was committed because they were put up to it by someone who threatened them with immediate death or bodily harm.

CONSENT

- Accused argues that the victim had given them consent.

LEGAL DUTY

- Because of their profession, some people are allowed to commit acts that would otherwise be illegal.
 - Ex. Police officers are allowed to carry a handgun

ENTRAPMENT

- If the police encourage or aid in the commission of a criminal act.

DOUBLE JEOPARDY

- Can't be charged with the same crime twice.

QUIZ

KAHOOT!