

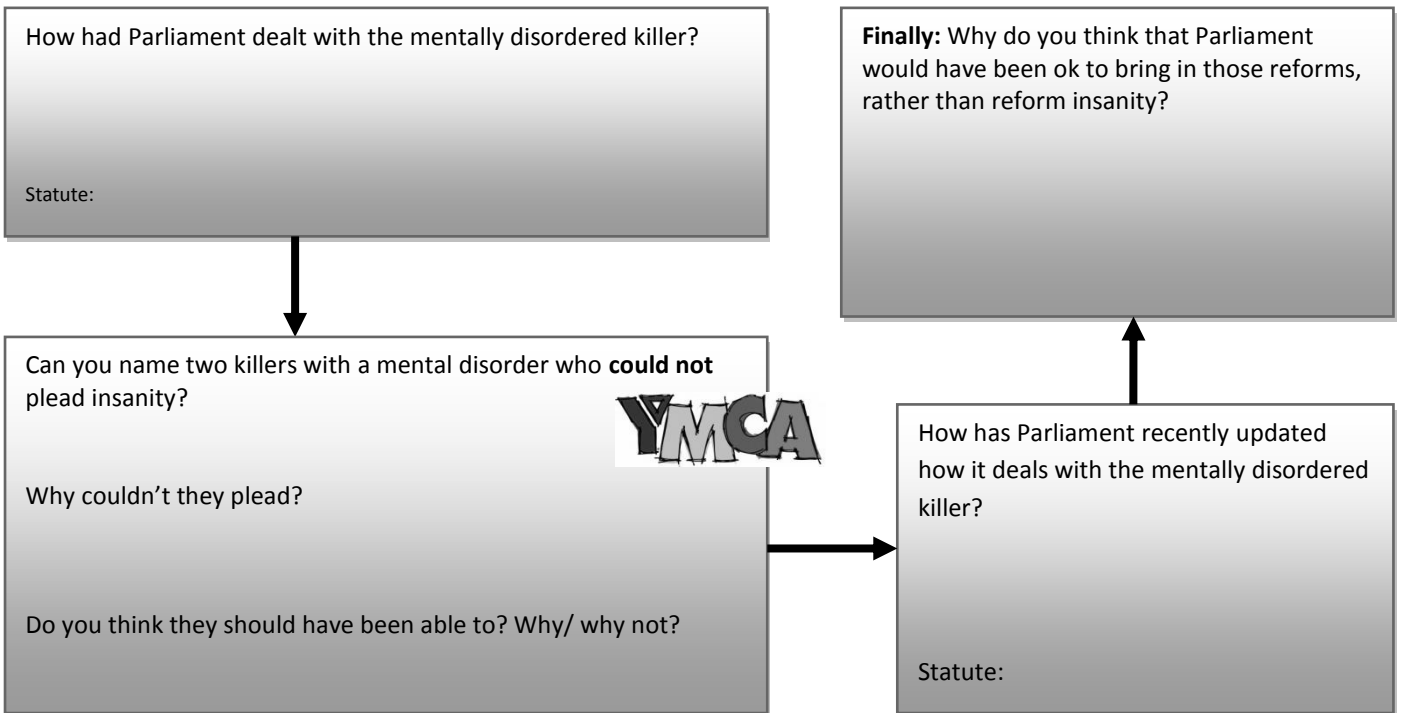
Source 5:

Extract adapted from the judgment of Lord Denning in *Bratty v AG for Northern Ireland* [1963] AC 386 HL



So, below are a couple of quotes from the source, and some tasks related to them, so that you can build on the information and start adding your own understanding.

1. **“When dealing with a murder case the Crown must prove (a) death as a result of a voluntary act of the accused and (b) malice of the accused.” (lines 1-2)**



2. **“ No act should be punishable if it is done involuntarily” (line 4)**

Why not?

3. **“A spasm, a reflex action or convulsion; or an act done by a person who is not conscious of what he is doing.”**

Look at the following scenarios and decide whether they could plead automatism on the basis of Denning’s guidance.

Scenario	Automatism?	Reason
James hits Sam in the head. Sam suffers a brain bleed, blacks out and attacks James.		
Stan sneezes a lot, and stabs Louise with the knife in his hand.		
Pedro is focused on texting his mum, and crashes his car, hurting Leon.		
Sophie has a brain tumour and blacks out. She steals next door’s cat.		
Jules takes his mum’s valium to calm down. He goes mental and burns the house down.		