**Criminal Law Assignment work – set to complete for first Criminal lesson in September**

**What do you need to know about Attempts?**

* Definition of what it is
* The Actus reus for an attempt
* The Mens rea for an attempt
* Impossibility – can you be convicted for attempting the impossible?

What Criminal Offences can be Attempted?

Which Criminal Offences do we cover for Paper 1 that could be attempted?

Remember to link all your topics where possible to the concepts of law:

**Law and morality**

**Law and justice**

**Law and fault** The topic of Attempts has overlaps with these areas.

**Read Chapter 10 in the AQA Year 2 text book** If you do not have this then you can purchase it <https://www.amazon.co.uk/AQA-level-Law-Year-2/dp/1510401741/ref=sr_1_1?adgrpid=62114300352&dchild=1&gclid=Cj0KCQjw3ZX4BRDmARIsAFYh7ZLyRu8kfi_NhkzDUg-HYfhJD_V8VaEFDguNlxG4A3qG4GLOoGmPIEMaAkstEALw_wcB&hvadid=310654221343&hvdev=c&hvlocphy=1006742&hvnetw=g&hvqmt=b&hvrand=9515970711235674759&hvtargid=kwd-561197777174&hydadcr=18460_1772254&keywords=aqa+law+year+2&qid=1594211498&sr=8-1&tag=googhydr-21>

You may know students who have just left college who might sell you their copy .

**Task 1 - Starter activity**

For each of the scenario’s below, consider whether the defendant’s actions are **‘merely preparatory’** to committing the offence (in which case no attempt has been made), or whether D has embarked upon the offence ie taken enough steps to be charged with **attempting** to commit the substantive (full) offence of a crime.

**Scenario 1 (Jones 1990)**

D discovers that his girlfriend is having an affair. D decides to kill his love rival (V).

These are the **steps** that he takes towards the substantive offence (full offence) of murder:

1. buys a shotgun
2. loads the shotgun
3. leaves his house wearing a disguise and carrying a bag containing the loaded gun
4. approaches V’s car, opens the door and gets in
5. takes the shotgun from the bag
6. points the gun at V but the safety catch was still on

At this point V grabs the gun and throws it out of the car window.

Has D crossed the line from **merely preparing** to **attempting** to commit the crime?

If so at what stage?

**Scenario 2 (Geddes 1996)**

D, an adult man, was discovered by a member of staff in the boys’ toilets of a school.

He ran off, leaving behind a rucksack, in which was found rope, sealing tape and a knife.

The items suggested that he was going to kidnap a boy.

Has D crossed the line from **merely preparing** to **attempting** to commit the crime?



**Scenario 3 – (Campbell 1991)**



D, wearing a motorcycle crash helmet and armed with an imitation gun approached a post office.

D was within one metre of the post office door.

At this point the police arrested D.

Has D crossed the line from **merely preparing** to **attempting** to commit the crime?

Now look up the outcome of the above cases and summarise them below;

**Summary of above cases;**

* **(Jones)** Pointing a loaded gun at V, even with the safety catch on is………

……………………………………………………………………………………..

* **(Geddes)** Lying in wait is………………………………………………………..

……………………………………………………………………………………..

* (**Campbell)** Standing outside a post-office with an imitation gun is ……….

…………………………………………………………………………………….

**Task 2**

**Law on Attempts**

* Which case have you already come across in causation that relates to attempts? Name the case.
* Why was the defendant not guilty of the substantive (full offence)?
* Why was the defendant guilty of attempted murder?



**The diagram below helps you to identify when an attempt has occurred – apply this to the cases of Jones, Geddes, Campbell and White – does this help you to understand the approach taken by the courts?**

**Embarking on the crime proper**

Substantive offence committed

**Merely preparing**

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****

AR of full offence established

**AR of attempt established**

**No offence**

**Task 3**

In the following cases below, write down a key word/s relating to the facts and state at what point, if any, the defendant had moved from ‘merely preparing’ to **‘embarking on the crime proper’ and link an image to the case from the options below. Can you spot the two additional cases to look up?**

|  |  |  |
| --- | --- | --- |
| **Case name** | **Key word/s for the facts** | **Merely preparing or embarking on the crime proper?** |
| Geddes [1996] |  |  |
| Campbell [1990) |  |  |
| Jones [1990] |  |  |
| Boyle [1987] |  |  |
| White (1990) |  |  |
| Gullefer (1987) |  |  |



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**Task 4 -** The law of attempts only relates to offences which are

* indictable, may be tried in the Crown Court (ie which are triable either way or indictable only).
* crimes of of **specific intent**. This means that D must **intend** to bring about the final result.

We have covered the following Criminal Offences so far; which ones are crimes are indictable and have Specific Intent.

Assault, Battery, S.47 ABH, S.18 GBH, S.20 GBH, Murder,

Voluntary MS, Involuntary MS,

We have not looked at Theft and Robbery yet (our only two remaining crimes!) Do you think these crimes can be attempted?

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| --- |
| **In the space provided below list the crimes above which are those of specific intent**  **Note the specific MR for each of these ie D must intend**  ***TO* …..** |
|  |

|  |  |
| --- | --- |
| Indictable offence with specific intent | Intent to…. |
|  |  |