

Droit - Economie - Sciences Sociales

Melun

Session :

Juin 2018

Année d'étude :

Troisième année de Licence Droit



Discipline :

Anglais juridique

Examen :

Second semestre

Durée :

1h30

Titulaires du cours :

Ms. Cingal, Mr. Huet, Mr. Jendoubi, Ms. Regen

Les documents et les appareils électroniques ne sont pas autorisés.

Exercices can be done in any order.

I. Complete the following sentences, adding between 10 and 25 words. Do not start a new sentence. (20 points)

1. While the magistrates' court...
2. Following the Constitutional Reform Act...
3. *Mens rea* is...
4. If a defendant raises the possibility of diminished responsibility...
5. In order to get a divorce...

II. Choose ONE of the following topics and write an essay in approximately 250 words (+/- 10%). (50 points)

- 1/ Explain how the Crown Court deals with homicide.
- 2/ How are UK residents protected against discrimination?

III. Read the following document and answer each of the questions below. (approximately ten lines/100 words for each question). Use your own words. DO NOT QUOTE DIRECTLY FROM THE TEXT. (30 points)

More criminal law cases to learn as Supreme Court makes landmark diminished responsibility ruling

By **Katie King**

on Nov 30 2016 10:57am

Seven justices examined the law degree syllabus staple and chose not to allow the appeal

Students can breathe a sigh of relief this morning as the Supreme Court has ruled on the defence of diminished responsibility, and decided not to change the law.

The highest court in the land was today tasked with considering and passing judgment on the partial defence to murder which — students will recall — is contained in s2(1)(b) of the Homicide Act 1957, as amended by s52 of the Coroners and Justice Act 2009.

This law was hauled before seven justices, including Lord Neuberger and Lady Hale, thanks to an appeal brought by Mark Golds.

A convicted murderer, the appellant is currently serving life in prison after being sentenced to a minimum of 15 years in 2013 over the death of his partner. Mother of four Claire Parrish was killed when Golds inflicted 22 knife wounds on her, along with blunt impact injuries, following an incident at a family barbecue.

At trial, Golds pleaded guilty to manslaughter on the basis of diminished responsibility — a defence available to offenders who are suffering from an abnormality of mental functioning. For their defence to be successful, this abnormality must have substantially impaired their ability to do one or more of the following things: understand the nature of their conduct, form a rational judgment, and/or exercise self-control.

Golds, who has a history of mental illness, failed to convince Chelmsford Crown Court he should escape a murder conviction and argued on appeal that the trial judge had not properly directed the jury. He said the judge had erred by not giving specific directions on the words “substantially impaired”.

Despite an unsuccessful appeal in the Court of Appeal, Red Lion Chambers’ David Etherington QC, for the appellant, tried to convince the Supreme Court that trial judge HHJ Ball QC had misdirected the jury.

But he was unsuccessful. It was the respondent (the Crown) — represented by 6KBW’s David Perry QC — that proved victorious in court this morning.

Giving judgment on behalf of himself and his colleagues, Lord Hughes — sat next to deputy court president Lady Hale — reminded viewers that the phrase “substantially impaired” is and always has been the key description for the level of mental impairment that is needed to bring the partial defence into operation.

As a matter of English usage, Hughes continued, the word “substantially” could mean at least two things: not merely trivial, or substantial in the sense of distinctly more than just past the trivial (in the sense one would speak of a “substantial salary” or a “substantial meal”). In law, the word is “plainly used” in the second of these two contexts.

It’s not for trial judges, when directing jurors, to give long lectures on the law. In the present case, the judge allowed the jury to decide on the meaning of the word “substantial” themselves and “the judge’s approach was correct”

Questions

1. Summarize Mark Golds’s case.
2. Explain which courts heard his case and why.
3. What was the UKSC decision and why?