

IN THE COURT OF APPEAL (CRIMINAL DIVISION)

BETWEEN

DR JONES

(APPELLANT)

-and-

REGINA

(RESPONDENT)

SKELETON ARGUMENT

ON BEHALF OF THE

The First Ground of Response: Dr Jones caused Baby X's death, even though Baby X was premature, Baby X would have lived longer if Baby X was not removed from the life support machine.

1. Dr Jones obtained an oblique intent whilst taking Baby X off the life support machine. In the case of *R v Woollin [1998] 1 AC 82* it was held that "the jury should be directed that they are not entitled to infer the necessary intention, unless they feel sure that death or serious bodily injury was a virtual certainty. The defendant also must appreciate that this is the case." [5] per Lord Lane C.J citing *Nedrick [1986] 1 WLR 1025*. Thus, Baby X's death was a virtually certain result of Dr Jones' action by taking Baby X's life off of the life support machine.
2. Baby X is a 'human being', irrespective of Baby X being born prematurely. The case of *R v Inglis [2010] EWCA Crim 2637* stated that "The fact is that he was alive, a person in being. However brief the time left for him, that life could not lawfully be extinguished. He was vulnerable, whether or not he might have died within a few months, his life was protected by the law, and not even his mother, could lawfully bring his life to an early conclusion." [38] per Lord Chief Justice of England and Wales. Thus, Dr Jones could not lawfully bring Baby X's life to an early end, however brief Baby X's life may have been.
3. Dr Jones' actions were the cause of Baby X's death. In the case of *R v Pagett [1983] 76 Cr App R 279* the 'but for test' was used. Where a question was asked whether the victim would not have died 'but for' the defendant's actions. The act must be a "sine qua non of the event." Similarly, 'but for' the actions of Dr Jones, Baby X would have not died. Thus, Dr Jones fulfilled the tests for the factual and legal causation of this crime.