

IN THE COURT OF APPEAL (CRIMINAL DIVISION)

*R v Frenchman*

The Green House in Exeter is home to a group of students. One night, Charlie, in a cheeky mood as usual, decides to prank Yara when she is walking down the stairs on her way to watch *Friends*. Jumping out from behind the door he scares her, causing her to fall down the stairs. Yara ends up unconscious at the bottom of the staircase. Aloïs, the passionate Frenchman with a feisty temper, is secretly in love with Yara. When he finds her unconscious at the bottom of the stairs, he flies into a rage assuming she is dead. Jenni, knowing how Aloïs feels about Yara and due to previous tensions with Charlie (because Charlie played pranks on Aloïs and Jenni at the start of the year), hands Aloïs a kitchen knife and shouts out encouragingly ‘emasculate him!’ Aloïs jumps on Charlie and stabs at him. Charlie bleeds to death.

The autopsy later shows that Charlie’s wounds did not clot because he had rat poison in his blood. It is discovered that Grace poisoned Charlie because she was sick of him never doing his washing up.

At his trial Aloïs is convicted of murder.

He appeals on the following grounds –

- (1) The requisite *actus reus* for murder was not present as the rat poison administered by Ali prevented his blood from clotting after the stabbing
- (2) He did not have the requisite *mens rea* for murder as he only intended to teach Charlie a lesson and not to kill him
- (3) If the *actus reus* and *mens rea* are present, Aloïs pleads a reduction in his conviction due to provocation