

| Theft      |                                                                       |
|------------|-----------------------------------------------------------------------|
| Dixon      | Info not property, data is.                                           |
| Cox        | Take car under mech lein = theft                                      |
| Meredith   | Take car from police where no auth =/ theft                           |
| Taylor     | Any movement of property = theft                                      |
| Barron     | Consent must be w/o duress                                            |
| Dronjak    | Mislabelled prop, no active deception =/theft                         |
| Hudson     | Deception of ID = theft                                               |
| Davies     | Fundamental mistake vitiates transfer                                 |
| Russell    | Removing ID marks on prop = TbU/D                                     |
| Coombridge | Acting outside of mandate = TbU/D                                     |
| Hayes      | Facts infer DM unless mistaken belief                                 |
| Watchorn   | Believed legal right to property at time                              |
| Gush       | Intent to deal in a way prop likely cannot be returned in same state. |
| Hare       | Conditional intent sufficient                                         |
| Leakey     | Giving to 3rd pty for free = deprive                                  |
| Broom      | Negotiating reward =/ theft                                           |
| Morunga    | No intent for reusing coins in gambling                               |
| Velumyl    | Taking money w/ intent to repay = theft                               |

| Receiving |                                      |
|-----------|--------------------------------------|
| Stone     | If not receiving then maybe dealing? |
| Kennedy   | Must intend to possess goods         |
| Cullen    | Must know location                   |
| Lucinsky  | Must be prop not proceeds or sub     |
| Stevens   | Don't need know manner of theft      |
| Crooks    | Wilful blindness = MR                |
| Dean      | Recklessness = MR                    |

| Obtaining by Deception |                                                        |
|------------------------|--------------------------------------------------------|
| Morley                 | AR s240(1)(d) harm to V not gain by D                  |
| Cai                    | No need for benefit by D                               |
| Barnard                | Deceive as to ID = deceiving                           |
| Dronjak                | Mistake =/deception                                    |
| Rao                    | Changing price = Deception                             |
| Deller                 | Rep made believing false but actually true =/Deceiving |
| Lewis                  | Mock biddign = D                                       |
| Scott                  | Bribing = s 240(2)(c)                                  |
| Hensler                | V know deception prior = NA                            |
| Bennitt                | Timesheet false, employer = D                          |
| Daire                  | Cannot deceive machines - other crimes                 |

| Compulsion |                                                                                                                                                                                                                                                   |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Teichelman | 1. Threat to kill or cause grievous bodily harm immediately 2. Threatener present during commission 3. Compelled person believed threat would be carried out 4. Compelled person not party association 5. Offence not in s 24(2) Crimes Act 1961. |

| Compulsion (cont) |                                                       |
|-------------------|-------------------------------------------------------|
| Waters            | GBH = 'really serious harm'                           |
| Chan-Fook         | Includes Infection and serious psychiatric harm       |
| Raroa             | Threat must be connected to offence                   |
| Holland           | Threatener may be reinforced by another               |
| Neho              | Must be able to immediately carry out                 |
| Ryan              | Fortitude, Proportionality, lack of alternative       |
| Joyce             | Only fail if association foreseeably risks compulsion |

| Necessity |                                                                      |
|-----------|----------------------------------------------------------------------|
| Woolnough | 1. Lesser evils 2. Best interest intervention                        |
| Re A      | breach needed to avoid inevitable evil                               |
| Re F      | Need to take action reasonable for best interest of concerned person |

| Duress of Circumstances |                                                                                                                                         |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Conway                  | Objective danger not human                                                                                                              |
| Martin                  | 1. Extreme Circumstances 2. Actions reasonable and proportional 3a. Fear of death/serious injury? 3b. Reasonable response to that fear? |

| Impossibility |                                             |
|---------------|---------------------------------------------|
| Finau         | Impossible to not breach law                |
| Tifaga        | Released w/o money & couldnt leave = breach |



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| Criminal Procedure |                                                                             |
|--------------------|-----------------------------------------------------------------------------|
| Burton             | Stopping police dispersal is breach of peace                                |
| Briggs             | Police cannot just follow orders w/o thought                                |
| Hewitt             | Blanket arrest policies are unlawful                                        |
| Flyger             | No evidence on some element for inability to convict                        |
| Mitchell           | Complete overlap for prev acquittal plea                                    |
| McAllister         | Jury service legal obligation                                               |
| Gordon-Smith       | 4 jury challenges per side                                                  |
| Abdula             | Trial w/o interpreter unfair                                                |
| Van Yzendoorn      | Sentencing must be repeated with D there                                    |
| Chatha             | Not unfair if absent due to fleeing                                         |
| Stewart            | No allegations of EW fabricating evidence or suggesting D has motive to lie |

| Participation |                                          |
|---------------|------------------------------------------|
| Bouyang       | No participation without P               |
| Ahsin         |                                          |
| Ngamu         | AR made out by group, joint Ps           |
| Paterson      | Innocent agent                           |
| Thompson      | No IA if V                               |
| Larkins       | Awareness of assist not needed           |
| Turanga       | Psychological aid even if not actual aid |
| Talley        | Preventing warning = aid                 |
| Coney         | Active steps for abetting                |

| Participation (cont) |                                            |
|----------------------|--------------------------------------------|
| Duncan               | Voluntary presence w/o dissent = abetting  |
| Inoke                | Watching and laughing = abetting           |
| Schriek              | Abetting need not actually encourage       |
| Kahuroa              | Abetting in time                           |
| Cardin               | Procuring                                  |
| Laurant              |                                            |
| Wentworth            | Oblique intention enough                   |
| Kimura               | Knowledge of 'type' of crime enough        |
| Hamilton             | Req know of MR for crime P did             |
| Afamasaga            | Must counteract prior abetting to withdraw |

| Common Purpose Liability |                                                                                                                                                                                                                                                                      |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ahsin                    | 1. Offence committed by P 2. Shared understanding/agreement 3. Parties agreed to help each other and participate 4. Offence committed by P in the course of common purpose 5. D intended the offence, or knew was a probable consequence req foresight of both AR+MR |
| Edmonds                  | 'Serious violence' too ambiguous                                                                                                                                                                                                                                     |
| Johnson                  | 'exacting revenge' too ambiguous                                                                                                                                                                                                                                     |
| Momi                     | Assault fine                                                                                                                                                                                                                                                         |
| Sullivan                 | Self-defence not unlawful therefore no P                                                                                                                                                                                                                             |
| Hubbard                  | Later arson outside of CP                                                                                                                                                                                                                                            |

| Common Purpose Liability (cont) |                                              |
|---------------------------------|----------------------------------------------|
| Te Moni                         | CP rob bank, escape within ambit of CP       |
| Burke                           | More than trivial harm foreseen req for ManS |

| Inchoate Offences |                                                     |
|-------------------|-----------------------------------------------------|
| Jay               | Attempt does not need to be factually possible      |
| Donnelley         | Legal impossibility = no offence                    |
| Mesman            | Possession attemptable                              |
| Ah-CHong          | MR intention needed (excl sex violate)              |
| R v B             | Real and substantial step needed                    |
| Wilcox            | No combining prior actions to make final step       |
| Drewery           | Crit <b>Wilcox</b> . intent w/ act = guilt          |
| Harpur            | Affirm <b>Drewery</b> supported by statute          |
| Bateman           | Prep actions can be aggregated to determine attempt |

| Theft PSF                                               |                                                                                                                                                                                             |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Is the item property capable of being stolen?</b> |                                                                                                                                                                                             |
| <b>2. Was the property owned by another?</b>            | a. Which subset in s 218 explains nature of ownership? a. Which subset in s 218 explains nature of ownership? b. Does this property have multiple owners? c. Are finders rules appropriate? |



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### Theft PSF (cont)

3. Was the property taken?  
a. Is the property tangible or intangible? Does it meet the standard for its kind?  
b. Was there consent?
4. Was the property used or dealt with?
5. Was the act dishonest?  
a. Is the belief as to auth so unreasonable that it cannot be genuinely held?
6. Was the act effected without claim of right?  
a. Is the belief as to claim of right so unreasonable...?
7. Was the act committed with an intention to permanently deprive the owner?

### Receiving PSF

1. Was the property received?  
a. Was the property received from another person?  
b. Acquire possession/control?  
c. Aid in concealing/disposing?  
d. Received the actual property?
2. Know was stolen or criminally obtained?  
a. Wilfully blind?
3. If not, were they reckless to this fact?  
a. On notice?  
b. Risk unreasonable to disregard?  
c. Proceed to receive the property anyway?

### Obtaining by Deception PSF

1. Which categories s 240(1)?  
a. If s 240(1)(d) is engaged, was the loss direct?
2. Completed 'with deception' per s 240(2)?  
a. Was there a misrepresentation, direct or implied?  
b. Omission to disclose w/ duty to disclose?  
c. Fraudulent stratagem?

### 3. Loss consequential?

4. Did the defendant act without claim of right?

5. Are the mens rea elements for s 240(1) met?  
a. If s 240(1)(a)-(c) is engaged, intention to obtain the property and cause loss?  
b. If s 240(1)(d) is engaged, did the defendant intend to cause the loss?

6. Are the mens rea elements for s 240(2) met?  
a. Did the defendant act with an intention to deceive?  
b. If s 240(2)(a) is engaged, know false or reckless as to falsehood?

### Compulsion PSF

#### 1. Offence on list in s 24(2)?

2. Threat of death or grievous bodily harm?  
a. Threat associated both with a particular demand and the offence committed?

### Compulsion PSF (cont)

3. Threatener present at commission?  
a. Threat reinforced by third party if threatener not present?  
b. Threatener present with threatened third parties?
4. Subjectively believe threat will be carried out?  
a. Subjectively believe there was an actual threat?  
b. Subjectively believe threat carried out immediately?
5. Association in which they are compelled to commit offences?  
a. Construed objectively, Offence not have reasonably been foreseen despite any association, making the defence available again?



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