

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 <i>Wilcox</i> . intent w/ act = guilt
Harpur	Affirm <i>Drewery</i> supported by statute
Bateman	Prep actions can be aggregated to determine attempt

Theft PSF	
1. Is the item property capable of being stolen?	
2. Was the property owned by another?	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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