

## OBLIQUE INTENTION

CASE/STATUTE	GUILTY ACT LEADING TO UNDESIRE CONSEQUENCE	PURPOSE/WHY DID THE DEFENDANT DO THE ACT?	UNDESIRE CONSEQUENCE	DECISION ON HOW INTENTION IS TO BE ESTABLISHED
<i>DPP v Smith</i> (1961)	Driving off with policeman holding on to car	To get away from the policeman	Policeman fell off car and killed by oncoming vehicle	Person intends the natural & probable consequences of his acts (HL).
Section 8 of the Criminal Justice Act 1967		To reverse the decision in <i>DPP v Smith</i>		Jury not bound to find that D intended result just because it was a natural and probable result of D's act. Look at all relevant evidence and decide D's intention.
<i>Hyam v DPP</i> (1975)	D put burning newspaper through letterbox	To frighten the woman who lived in the house	Death of lady's two children	Enough that D foresaw that his actions were likely or highly likely to cause death or gbh (HL).
<i>R v Moloney</i> (1985)	Firing live bullet	Shooting contest	Death of stepfather	Jury to ask themselves: (1) Was death or gbh the natural consequence of D's act? And (2) Did the D foresee this? If yes to both questions, then can infer intention (HL).
<i>R v Hancock and Shankland</i> (1986)	D's threw concrete block on to motorway	Intended to block the road used by non-striking miners	Death of taxi driver	The greater the probability of a consequence occurring, the more likely it was foreseen, and the more likely it was foreseen the more likely it was intended.  Foresight of consequences is only <i>evidence</i> of intention (HL).

CASE/STATUTE	GUILTY ACT	PURPOSE	UNDESIRED CONSEQUENCE	DECISION
<i>R v Nedrick</i> (1986)	D put petrol bomb through letterbox	D wanted to frighten the owner of the house	Child burned to death	If jury satisfied that D recognised that death or sbh would be a virtually certain result of his act, then they <b>may</b> infer that D intended to cause that result, but not obliged to do so (CA).
<i>R v Scalley</i> (1995)	D set fire to a house	To destroy flat	Death of child	Judge failed to explain that if jury satisfied that D did see death or serious injury as virtually certain, then <b>could</b> infer intention but <b>did not have to</b> (CA).
<i>R v Woollin</i> (1998)	Lost temper and threw baby onto hard surface	Frustration at baby crying	Death of baby	Jury should be directed according to the <i>Nedrick</i> “virtual certainty” test to <b>find</b> intention.  Substantial risk is <b>not</b> enough (HL).