

Report on Legal Consequences

Vinnie's Actions at Mountain View Care Home

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Introduction

At the corridors of the Mountain View care home, Vinnie's ordeal becomes embroiled in financial poverty reaching the proportions of a living-cost crisis. Acting under the pressure of desperation, his deeds take a turn to the dark side of morality as he participates in several circumstances. This task is aimed at analysing Vinnie's behaviour in terms of criminal law, to examine the actus reus and male rea components that are manifested in each incidence. We seek to unwind the legal complexities of Vinnie's behaviour to point out the criminal offences that he may commit. This analysis allows us to bring to light the difficult legal consequences associated with his actions within the confines of the nursing home.

Legal Analysis

Offence 1: Theft of the Vintage Watch

In reviewing their behaviour of Vinnie, the first possible violation that comes up is theft, which results from his taking the vintage watch. Under the Theft Act 1968, theft happens when a person dishonestly takes the property of another which belongs to someone else to deprive the other person of it.

The actus reus of theft includes the taking of the vintage watch and the lack of legal authority to do so (Wang, 2021). However, the act of Vinnie taking the watch without permission is an unauthorized control over the property, which meets the actus reus element. The mens rea element also requires proof of dishonesty and intention to permanently deprive. Vinnie's intentional conduct of picking the watch and selling it for his benefit meets this criterion.

Case law adds more depth to the application of theft offences. In *R v. Ghosh* (1982), the court defined dishonesty as judged by what would seem honest or dishonest to a reasonable man

(Walsh, 2001). By such standards, Vinnie's actions in taking the vintage watch without permission would be considered dishonest reinforcing the classification of the charges as theft. Also, in *R v. Lloyd* (1985) it was explained that the intention to permanently deprive can be inferred from the conduct and surrounding circumstances of the defendant. Selling the vintage watch for money by Vinnie means that the latter has decided to prevent the real owner from enjoying their property, thus meeting the mens rea part of the theft (Koo, 2021).

Vinnie's taking of the vintage watch without lawful authority, together with permanently depriving the owner, satisfies the actus reus and mens rea aspects of theft as outlined under the Theft Act 1968. From the perspective of the case law, what he has done would probably be considered dishonest and he would be said to have had the intention of permanently depriving the owner, thereby strengthening the liability for theft.

Offense 2: Criminal Damage to Louise's Car

The other potential offence that arises from Vinnie's act is criminal damage, which is particularly concerned with the deliberate keying of Louise's car. Criminal damage as provided in the Criminal Damage Act 1971, happens when a person without lawful excuse destroys or damages the property of another intending to destroy or damage such property or is reckless concerning whether such property will be destroyed or damaged (Herring, 2022).

The actus reus of criminal damage involves the action of damaging Louise's car without lawful excuse. Vinnie's deliberate action of keying the side panels of Louise's car is an unauthorized interference with her property, thus satisfying the actus reus requirement.

In addition, the mens rea of criminal damage includes either a desire to cause damage or recklessness as to whether damage will occur. In Vinnie's case, his absolute action of keying

Louise's car exhibits the required intention to cause damage. On the other hand, even if Vinnie did not precisely aim to ruin the car, his conduct may be considered negligent due to the foreseeable risk of damage from keying the automobile.

Case law offers further direction on the interpretation of criminal damage offences. It is established in *R v. Cunningham (1957)* that recklessness is about knowing the risk of harm and choosing to take the risk. Vinnie's intentional act of scratching Louise's car, even if he did not intend to cause harm specifically, could be seen as reckless conduct under the Cunningham recklessness test (Durakovic, 2021).

Vinnie's intentional act of keying Louise's car without a lawful excuse fulfils the actus reus element of criminal damage. Besides, such conduct shows either the intention to cause harm or indifference to whether the harm would follow, thus, satisfying the mens rea component. In light of applicable case law and statutes, Vinnie's actions satisfy the conditions of criminal damage and this offense could be his liability.

Offence 3: Attempted Murder of the Police Officer and Unlawful Killing of Mrs Quinn

Vinnie's behaviour develops into the most serious crimes; for example, he tries to kill the police officer and unlawfully kills Mrs Quinn. Under the modernized legislation, we will refer to the applicable sections of the Criminal Attempts Act 1981 and the Offences Against the Person Act 1861.

Attempted Murder:

The actus reus for attempted murder includes the particular act of aiming and shooting the gun at the police officer. The actus reus here is Vinnie's purposive act of aiming the gun at the officer to pull the trigger. In addition, the mens rea element calls for an intent to kill or cause

serious grievous bodily harm. Aiming and shooting at the police officer by Vinnie is a clear act of intent to cause grievous injury or death.

R v. Smith in 1983 established a rule that it is possible to infer the defendant's intention to kill or cause grievous bodily harm from his or her conduct. Vinnie's shooting and aiming at the police officer is an intended act and apparently would be seen as murder or grievous bodily harm. In R v. Smith court, it was reiterated that the evaluation of intent should be personalized to the defendant's subjective state of mind at the time of the crime. The purposeful act of Vinnie to aim and shoot the gun as well as the inherent lethality of such behaviour is very strong proof of his intention to inflict grave bodily harm or to kill (Calleja, 1994).

Also, in the case of R v. Woollin in 1999, it was defined that a jury could determine that the defendant intended to kill if they were satisfied that the victim's death was a virtual certainty due to the defendant's behaviour and the defendant was aware of this fact (Wang, 2018). In Vinnie's case, the application of this principle means that the act of aiming and firing at a police officer with a gun indicates that he realized the high probability of producing serious injury or death. Therefore, in light of the analysis of Vinnie's actions and the relevant case law, it may be concluded that he meets the actus reus and mens rea conditions for attempted murder. The deliberate performance in aiming and shooting at the police officer directly both physically and with the necessary intention thus makes him possibly eligible for this offence.

Unlawful Killing:

The actus reus for unlawful killing is a person causing death to another person. Here Vinnie directly causes the death of Mrs. Quinn. The actus reus is fulfilled as Vinnie's conduct is the direct cause of Mrs. Quinn's death. With respect to the mens rea element, unlawful killing can be proved through intent, recklessness and gross negligence. As per Vinnie, his act of

shooting the gun through the letterbox is considered reckless. Although he did not specifically plan Mrs Quinn's killing, his careless act of shooting the gun at a residential area was the cause of her death.

Under the Offences Against the Person Act 1861, the mens rea for murder involves both the intention to kill or cause grievous bodily harm, or foresight of the risk of death or serious harm (Jefferson, 2012). Vinnie's irresponsible deeds manifest a careless attitude towards the probable outcomes, hence satisfying the mens rea for unlawful killing. The acts of Vinnie amount to the attempted murder of a police officer and the unlawful killing of Mrs. Quinn. The actus reus and mens rea elements for each offence are satisfied as per the pertinent case law and statutes. Vinnie's conduct which was also reckless was more catastrophic, clearly demonstrating how high his liability might be for the offence of these crimes.

Conclusion

Finally, Vinnie's actions at Mountain View Care Home may bring significant legal consequences. Charged with possible offences of theft, criminal damage, attempted murder, and unlawful killing, Vinnie is likely to be imprisoned. For Vinnie, getting a lawyer and helping the authorities are crucial stages. Moreover, the fact that he realizes how serious his offences are and feels sorry for them will decrease the severity of his punishment. Still, Vinnie should get ready to take responsibility for his conduct and face the legal consequences, which can have lasting effects on both him and the victims.

References

- Calleja, L. (1994). *Attempted Crime: a Comparative study*. [online] www.um.edu.mt. Available at: <https://www.um.edu.mt/library/oar/handle/123456789/60156> [Accessed 19 Mar. 2024].
- Durakovic, A. (2021). Overview of some of the general institutions of English criminal law through the prism of criminal law in BIH. *Annals of the Faculty of Law of the University of Zenica*, [online] 29, p.35. Available at: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/zenici29&div=6&id=&page=> [Accessed 19 Mar. 2024].
- Herring, J. (2022). *Criminal Law Concentrate: Law Revision and Study Guide*. [online] Google Books. Oxford University Press.
- Jefferson, M. (2012). Offences against the person: into the 21st Century. *The Journal of Criminal Law*, 76(6), pp.472–492. doi:<https://doi.org/10.1350/jcla.2012.76.6.805>.
- Koo, T. (2021). Different strokes for different folks: Examining the differing approaches to the offence of theft in the United Kingdom and Singapore. *Singapore Comparative Law Review*, [online] 2021, p.112. Available at: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/singclr2021&div=18&id=&page=>.
- Walsh, C. (2001). *Law Relating to Theft*. [online] Google Books. Routledge.
- Wang, B. (2021). Mistaking theft: Dishonesty ‘turns over a New Leaf’. *The Journal of Criminal Law*, 86(1), p.002201832110287. doi:<https://doi.org/10.1177/00220183211028702>.

Wang, J. (2018). Homicide law: A comparison. *Singapore Comparative Law Review*, [online]

2018, p.112. Available at:

<https://heinonline.org/HOL/LandingPage?handle=hein.journals/singclr1&div=23&id=&page=> [Accessed 19 Mar. 2024].