

GCE

# LAW: CAPACITY DEFENCES OF INSANITY AND INTOXICATION

## INTOXICATION DRUNKEN MISTAKE CASES



A Level Law Components 2 and 3 – Criminal Law  
Capacity defences of insanity and intoxication

**D  
R  
U  
N  
K  
E  
N  
  
M  
I  
S  
T  
A  
K  
E**

**O'GRADY (1987)**

The Defendant and his friend had been drinking cider and had become extremely drunk. They had both fallen asleep in the Defendant's flat. The Defendant awoke the next morning to find his friend dead and he was consequently charged with murder.

He claimed that whilst they were so drunk he had been woken by his friend hitting him. Thinking that his friend was trying to kill him, the Defendant picked up a glass ashtray and hit his friend over the head with it and went back to sleep.

The Defendant was convicted of manslaughter.

**LIPMAN (1970)**

The Defendant and his girlfriend were drug addicts and had been taking LSD which is a hallucinogenic drug. When the Defendant woke, he found his girlfriend dead, left the flat and boarded a plane back to America as he was an American citizen. The girlfriend had been suffocated with a sheet that had been pushed into her mouth and she had received a number of blows to her head.

The Defendant claimed to have been under the influence of drugs and he thought that he was being pulled into the centre of the earth and attacked by snakes. He had tried to fight off the snakes but had no knowledge that he was actually fighting his girlfriend.

He was convicted of manslaughter.

**HATTON (2005)**

The Defendant had consumed over 20 pints of beer and gone back to his flat with another man. The next morning, the other man was dead. The Defendant claimed to not recall the events very well but thought that the man had tried to hit him with a 5 feet long stick. The Defendant claimed to have acted in self defence in beating the man to death with a sledgehammer.

The Defendant was convicted of murder but appealed. The Court of Appeal upheld the conviction stating that a drunken mistake regarding the amount of force used in self-defence was no defence. His conviction for murder remained, despite the fact that this was a specific intent offence.