

Example

John is upset because his girlfriend, Lauren, doesn't answer his messages. John decided to teach Lauren a lesson. He picked up a bottle of whisky, and intending to cause serious harm, hit Lauren on the head with it. John was aware that hitting Lauren with a bottle may kill her, but he did not care. Unsurprisingly, Lauren died from the injuries sustained.

Manslaughter is defined as: "meaning to cause another person serious bodily harm that he/she knows is likely to cause that person's death, and being reckless whether death ensues or not".

CASE ANALYSIS

- **FACTS**
 - Determine the relevant facts of the case.
 - Try to outline them in light of the theory of offence.
- **ISSUE:**
 - Identify the issue.
 - For example, the issue is whether the accused is guilty of murder.
 - Single issue. One IRAC for each issue.
- **RULE:**
 - State the rule
 - Break down the rule in its elements in light of the theory of offence.
- **ANALYSIS (APPLICATION)**

You need to analyze both:

- The relevant conduct (which always appears messy, mixed with lots of other actions and other conducts).
- The definitional terms (definition of the offence).

And then we apply the theory of offence to those facts and the law. It is a tripartite analysis of criminal liability in a sort of check-in-the-box system to determine if a

conduct is a crime or not.

- **Conduct**

- Isolate the relevant conduct, i.e., the conduct that may potentially be criminal, from other conduct.
- Describe the conduct
- Analyze the conduct (break it down in relevant parts)

- **Definitional terms**

- Find the definition of the offence most likely to coincide with the conduct.
- Break down the elements of the offence.

- **Concurrence between conduct and definitional terms**

- Check to see if all the elements (determined in the definitional terms) are present in the conduct.

- **CONCLUSION**

- Answer the question of the issue.
- Yes or no answer and a brief explanation of the reason.