

Criminal liability of Eric and Sanjay.

As Sanjay wife was 'killed' of Eric. It could be charged with assault. Assault is a common law offence, the ~~actus reus~~ ~~reus~~ of which is causing the victim to apprehend the infliction of unlawful force. Even silent threats can amount to assault (R v Ireland). Therefore if Sanjay wife thought that Eric was going to apply unlawful force this would satisfy the ~~actus reus~~ ~~reus~~.

The mens rea of assault is an intent or subjective recklessness to cause the victim to fear unlawful force. As it was ~~halloween~~ ^{halloween}, ~~the~~ ^{Eric} ~~Sanjay~~ may have been ~~intending~~ ~~intending~~ to scare people. Therefore may satisfy the mens rea.

Although ~~Sanjay~~ ^{Eric} was intoxicated, he would not have a defence of intoxication. This would be because it would seem that he got ~~voluntarily~~ voluntarily intoxicated and committed a basic intent crime (crimes which require nothing other than intention as MR). He can't take this approach due to the fact that they feel becoming intoxicated is in itself reckless and this is therefore enough to form the required mens rea of any basic intent crime. This can be illustrated in the case of DPP v Majewski, where the defendant spent over 24 hours drinking and taking drugs and then caused serious damage along with assaulting a police officer. It was argued that due to his intoxicated state, Majewski could not remember committing the criminal act. However the court held that because the crimes were basic intent, he could not rely on the defence.

Sanjay could also have said he had committed an