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[Full Search](#): “**Beyond Reasonable Doubt**” in section “Crime”

Results: 5

- [\*\*R v Rose \(Honey\)\*\*](#)

31 Jul 2017 [2017] EWCA Crim 1168; [\[2017\] 3 WLR 1461](#); [2017] 2 Cr App R 28; [\[2017\] WLR \(D\) 537](#), CA (Sir Brian Leveson P, Haddon-Cave J, Judge Inman QC)

CRIME — Homicide — Manslaughter

[\[2017\] 3 WLR 1461 time when it was decided to prosecute there was, as it seems to me, no realistic possibility of demonstrating beyond reasonable doubt that a reasonable person in the position of Courtney Kayne would have foreseen the risk of death.” ...](#)

CRIME — Homicide — Manslaughter — Gross negligence manslaughter — Optometrist failing properly to examine patient’s eyes during sight test in breach of statutory duty of care — Patient dying five months’ later of hydrocephalus — Abnormality indicating possible hydrocephalus would have shown up on eye test — Assessment of reasonable foreseeability of serious and obvious risk of death — Whether appropriate to take into account what reasonable person in defendant’s position would have known but for breach of duty

CRIME — Homicide — Manslaughter — Gross negligence — Optometrist failing properly to examine patient’s eyes during sight test in breach of statutory duty of care — Patient dying five months’ later of hydrocephalus — Abnormality indicating possible hydrocephalus would have shown up on eye test — Assessment of reasonable foreseeability of serious and obvious risk of death — Whether what reasonable person in defendant’s position would have known but for breach of duty to be taken into account — Whether conviction for manslaughter by gross negligence to be quashed

- [\*\*Sexius v Attorney General of Saint Lucia\*\*](#)

31 Jul 2017 [2017] UKPC 26; [\[2017\] 1 WLR 3236](#); [2018] 1 Cr App R 2; [\[2017\] WLR \(D\) 554](#), PC

ST LUCIA — Constitution — Persons charged with criminal offence, protection of law

[\[2017\] WLR \(D\) 554](#) , if believed and combined with legitimate inferences based upon it, could lead a properly directed jury to be satisfied **beyond reasonable doubt** that each of the essential elements of the offence had been proved. The onus remained on the prosecution throughout. ...

[\[2017\] 1 WLR 3236](#) , if believed and combined with legitimate inferences based upon it, could lead a properly directed jury to be satisfied **beyond reasonable doubt** that each of the essential elements of the offence is proved. The question in each particular case was stated ...

ST LUCIA — Constitution — Persons charged with criminal offence, protection of law — Statutory requirement to file defence statement or risk adverse inferences being drawn at trial— Whether protection of law constitutional protection extending beyond fair hearing to encompass right to pre-trial silence and privilege against self-incrimination— Whether statutory requirement in any event unconstitutional— Whether null and void— Constitution of Saint Lucia (Laws of Saint Lucia, cap 1.01, 2006 rev), ss 1, 8(1)(2)(7) — Criminal Code (Laws of Saint Lucia, No 9 of 2004), ss 909, 912(1) — Criminal Procedure Rules (Laws of Saint Lucia, cap 3.01, 2008 rev), r 11.1(3)(c)

7 Case(s) considered

3 Overseas Enactments considered

- **[R v Lama](#)**

07 Aug 2014 [2014] EWCA Crim 1729; [\[2017\] QB 1171](#); [\[2017\] 3 WLR 469](#), CA (Hallett LJ, Lloyd Jones, Green JJ)

CRIME — Double jeopardy — Autrefois convict

INTERNATIONAL LAW — State immunity — Criminal claims alleging torture

INTERNATIONAL LAW — United Nations — Immunity of experts

CRIME — Nepalese army officer working as UN liaison officer charged with torture — Whether entitled to functional or personal immunity or to rely on autrefois convict

[\[2017\] 3 WLR 469](#) trials the prosecutor may be the prosecution service or a private complainant who must prove guilt of a criminal offence **beyond reasonable doubt** . . . . been assured, the burden of proving guilt of a criminal offence is on the prosecutor and the standard is proof **beyond reasonable doubt** , and the court was correct in asserting that “in any case under the Torture Compensation Act mere denial of ...

[\[2017\] QB 1171](#) trials the prosecutor may be the prosecution service or a private complainant who must prove guilt of a criminal offence **beyond reasonable doubt** . . . . of proving guilt of a criminal offence is on the prosecutor and the standard is proof **beyond reasonable doubt** , and the court was correct in asserting that “in any case under the Torture ...

CRIME — Double jeopardy — Autrefois convict — Defendant charged with torture allegedly committed in Nepal— Defendant claiming to have already been convicted and punished in Nepal in respect of same conduct— Whether Nepalese proceedings criminal or civil— Whether burden on defendant to prove conviction— Whether English court obliged to accept evidence of expert as to questions of Nepalese law

INTERNATIONAL LAW — State immunity — Criminal claims alleging torture — Defendant charged with torture allegedly committed while colonel in Nepalese army— Whether defendant entitled to functional immunity in respect of official activities— Whether operation of functional immunity excluded as between states party to Torture Convention— Criminal Justice Act 1988 (c 33), ss 134, 135 (as amended by Justice (Northern Ireland) Act 2002 (c 26), Sch 7, para 31) — United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984), art 6(4)

INTERNATIONAL LAW — United Nations — Immunity of experts — Defendant arrested and detained on criminal charge while expert on mission for United Nations— Under Secretary General of United Nations subsequently waiving defendant's personal immunity from arrest and detention as United Nations expert— Whether waiver of immunity capable of being retroactive— Convention on the Privileges and Immunities of the United Nations (1946), ss 22, 23

CRIME — Nepalese army officer working as UN liaison officer charged with torture — Whether entitled to functional or personal immunity or to rely on autrefois convict —

CRIME — Double jeopardy — Autrefois convict — Defendant charged with torture allegedly committed in Nepal — Defendant claiming to have already been convicted and punished in Nepal in respect of same conduct — Whether Nepalese proceedings criminal or civil — Whether burden on defendant to prove conviction — Whether English court obliged to accept evidence of expert as to questions of Nepalese law

INTERNATIONAL LAW — State immunity — Criminal claims alleging torture — Defendant charged with torture allegedly committed while colonel in Nepalese army — Whether defendant entitled to functional immunity in respect of official activities — Whether operation of functional immunity excluded as between states party to Torture Convention — Criminal Justice Act 1988 (c 33), s 134 — United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (1991) (Cm 1775), art 6(4)

INTERNATIONAL LAW — United Nations — Immunity of experts — Defendant arrested and detained on criminal charge while expert on mission for United Nations — Under-Secretary-General of United Nations subsequently waiving defendant's personal immunity from arrest and detention as United Nations expert — Whether waiver of immunity capable of being retroactive — Convention on the Privileges and Immunities of the United Nations (1946), ss 22, 23

1 Case considered

1 Statute considered

- **Assange v Swedish Prosecution Authority**

02 Nov 2011 [2011] EWHC 2849 (Admin); [\[2011\] WLR \(D\) 315](#), DC

30 May 2012 [2012] UKSC 22; [\[2012\] 2 AC 471](#); [\[2012\] 2 WLR 1275](#); [2012] 4 All ER 1249, SC(E)

EUROPEAN UNION — Council framework decision — Justice and home affairs

EXTRADITION — European arrest warrant — Validity

[\[2012\] 2 AC 471 course—as a matter of formality—on the request of a public prosecutor. If that could be shown—at least beyond reasonable doubt—I apprehend that such procedure would fall outwith the spirit of what the Government intend. The Government do not, ...](#)

[\[2012\] 2 WLR 1275 course—as a matter of formality—on the request of a public prosecutor. If that could be shown—at least beyond reasonable doubt—I apprehend that such procedure would fall outwith the spirit of what the ...](#)

EUROPEAN UNION — Council framework decision — Justice and home affairs — Whether national law required to be interpreted in conformity with framework decision — European Communities Act 1972, ss 1, 2, 3 (as amended by European Communities (Amendment) Act 1986, s 2(a) and European Union (Amendment) Act 2008, ss 3, 8, Sch 1, Pt 1) — Lisbon Treaty, Protocol No 36

EXTRADITION — European arrest warrant — Validity — European arrest warrant issued by public prosecutor of requesting state — Whether public prosecutor “judicial authority” — Whether warrant valid — Extradition Act 2003, s 2 — Council Framework Decision 2002/584/JHA, art 6 — Vienna Convention on the Law of Treaties, art 31.3(b)

3 Case(s) considered

1 Words & Phrases considered

2 EU Enactments considered

2 Statutes considered

1 International Agreement considered

5 Subsequent considerations

- **R v Horncastle (R v Carter (David Michael))**

22 May 2009 [\[2009\] EWCA Crim 964](#); [\[2010\] 2 AC 373](#); [\[2010\] 2 WLR 47](#); [2009] 4 All ER 183; [2009] 2 Cr App R 230; [\[2009\] WLR \(D\) 173](#), CA

09 Dec 2009 [2009] UKSC 14; [\[2010\] 2 AC 373](#); [\[2010\] 2 WLR 47](#); [2010] 2 All ER 359; [2010] 1 Cr App R 194; [\[2009\] WLR \(D\) 358](#), SC(E)

CRIME — Evidence — Hearsay

[\[2010\] 2 AC 373](#) more likely than not that the defendant is guilty. They can only convict if they are sure, or satisfied “[beyond reasonable doubt](#)” that the defendant is guilty. But there were many more directions that a judge was required to give to ... .  
(ii) Hearsay evidence is only admissible in strictly defined circumstances. In essence the judge has to be satisfied [beyond reasonable doubt](#) that the prosecution is not able to adduce the evidence by calling the witness. (iii) Once the prosecution... ..dangers of relying on hearsay evidence. (v) The jury has to be satisfied of the defendant’s guilt [beyond reasonable doubt](#) . (vi) The defendant can apply for permission to appeal against his conviction, which will be granted where ...

CRIME — Evidence — Hearsay — Victims giving written statements but unavailable at trial — Statements admitted in evidence — Whether statements constituting sole or decisive evidence — Whether admission infringing defendants’ Convention right to fair trial — Whether convictions safe — Human Rights Act 1998, Sch 1, Pt I, art 6(1)(3)(d) — Criminal Justice Act 2003, s 116

4 Case(s) considered

2 Statutes considered

4 Subsequent considerations