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- Appeal against conviction — The State relied on alleged Edwards lies in its case against one of the six males tried in the Supreme Court — Whether the alleged Edwards lies were “intractably neutral” as regards the charged offence of murder and lesser statutory alternatives — Whether the trial judge erred in law by directing the jury that the alleged Edwards lies could be capable of constituting evidence of guilt.
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- Appeals against conviction — Victim killed by a stab wound to the chest — Stab wound inflicted in the course of an attack on the victim by a group of eight males — The eight males ranged in age from 11 years to 29 years — The male aged 11 was tried separately in the Children’s Court after the other seven males were arraigned and convicted in the Supreme Court — One of the other seven males pleaded guilty to and was convicted without trial of manslaughter — Six of the other seven males were tried and convicted of murder — The State was unable to prove beyond reasonable doubt which of the eight males inflicted the fatal stab wound — The State’s case was that one (and only one) of the eight males could be criminally responsible under s 7(a) of the Code with the other males being criminally responsible under s 7(b) or s 7(c) of the Code — The State’s alternative case was that the eight males were criminally responsible under s 8 of the Code — At the Supreme Court trial of the six males, the State did not prove that the male aged 11 had capacity under s 29 of the Code — Whether the trial judge made a wrong decision on a question of law by failing to direct the jury that none of the six males tried in the Supreme Court could be found guilty of murder if the jury could not exclude beyond reasonable doubt that the male aged 11 had inflicted the fatal stab wound.
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- Parties to offences — Whether liability of alleged offender under s 7(b), s 7(c) or s 8 of the Code depends upon the criminal responsibility of the person doing the act or making the omission for that act or omission — Whether liability of alleged offender under s 7(b), s 7(c) or s 8 is affected by the prosecution’s failure to prove the capacity, under s 29 of the Code, of the person who did the act constituting the offence.
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WORDS AND PHRASES

- “Criminal responsibility” — Criminal Code (WA), s 1(1).
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- “Offence” — Criminal Code (WA), s 2.
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- “Unlawful” — Criminal Code (WA), s 268.
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