

## Poison

### Administering a poisonous or noxious substance so as to endanger life or inflict grievous bodily harm

You can see what the prosecution have to prove by looking at the wording under “Particulars of Offence” on the indictment.

I am going to break this down into five parts:

#### unlawfully

That means without lawful justification or excuse.

There is no suggestion in this case that D\*\* had any lawful justification or excuse for what the prosecution say he did – so you do not have to consider these words.

#### maliciously

The prosecution have to prove that the defendant foresaw that, when he turned on the gas, he foresaw that it might endanger \*\*’s life.

The prosecution say that anyone who turns on all the burners on a cooker and allows gas to enter every room in a flat must realise that life of anyone in the flat would be endangered.

D\*\* admitted in cross examination that he knew what he was doing and that it was a dangerous and irrational thing to do.

#### administered to C\*\*

The word “administer” is an ordinary English word. It has no special legal meaning. It includes any conduct which brings the poison or other destructive or noxious thing into contact with the victim’s body. It might be that the most common ways in which a poison is administered is by injecting someone or putting it in food. However, releasing gas or some other noxious thing into a room or flat is, as a matter of law, capable of amounting to “administering” that noxious thing if it comes into contact with the victim’s body.

#### poison or other destructive or noxious thing

A “noxious thing” is any injurious, hurtful, harmful or unwholesome substance.

Gas is a poison or other destructive or noxious thing.

#### so as thereby to endanger the life of C\*\* or cause her grievous bodily harm

Grievous bodily harm means “really serious harm”

The issue is whether or not it endangered her life or caused really serious harm.

There is no requirement that the defendant intended to endanger her life or cause really serious harm.

If, as he admits it was, it was the defendant who turned on the gas tap, the other key question for you to decide is whether turning on the gas did endanger her life, whether through poisoning or through the risk of an explosion or cause her really serious harm.

The prosecution rely upon the evidence of \*\*.

The defendant says \*\*\*

If you are not sure that her life was endangered or she was caused really serious harm, there is an alternative lesser offence – count \*.

Count \* - Administering a poisonous or noxious substance with intent to injure, aggrieve or annoy

The first four parts of this offence are the same as Count \*  
unlawfully  
maliciously  
administered to C\*\*  
poison or other destructive or noxious thing

The difference is the fifth part. The prosecution do not have to prove that turning on the gas endangered C\*\*'s life or caused her grievous bodily harm – only that the defendant

Intended to injure, aggrieve or annoy her

These are ordinary English words.

You can only decide what the defendant's intention was by considering all the relevant circumstances and in particular what he did and what he said about it.

As Count \* is an alternative, you cannot find the defendant guilty of both Count \* and Count \*

So, the key questions for you to answer in relation to Count \* and Count \*, having regard to all the evidence and the directions which I give you, are these

Did turning on the gas endanger C\*\*'s life?

When he turned it on, did he foresee that it might endanger C\*\*'s life.

If you are sure that the answers to both those questions are “yes”, the defendant is guilty of Count \*. If the answer to either question may be “no”, he is not guilty of Count \* but you should consider the following question in relation to Count \*. (You do not have to consider this next question if you have found D\*\* guilty of Count \*.)

At the time when he turned on the gas, did D\*\* intend to injure, aggrieve or annoy C\*\*?

If you are sure that the answer is “yes”, the defendant is guilty of Count \*. If the answer may be “no”, he is not guilty of Count \*.