

Threat to kill

There are three parts of this offence for you to consider.

1. made a threat to kill As a matter of law, saying "I am going to kill you", as the prosecution allege D** to have done is a threat to kill.
2. intending that C** would fear that the threat would be carried out So, this raises the question of whether the defendant intended C** to take the threat seriously. What is important is not the state of C**'s mind - what she felt - but what was in the defendant's mind.
3. without lawful excuse - e.g. self defence or to prevent a crime. No one has suggested that D** was acting in self-defence or to prevent the commission of a crime and so you do not have to consider those words.

So, having regard to all of the evidence and the directions which I give you, there are two key questions for you to answer in relation to Count *.

Did D** say to C** "I am going to kill you"?

Did D** intend her to fear that the threat would be carried out?

If you are sure that the answer to both these questions is "yes", the defendant is guilty of this count. If the answer to either question may be "no", the defendant is not guilty of this count.