CRIMINAL LAW OF NIGERIA

A Teaching Version — Prof Samba Online University of Nigeria

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IMPRINT

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How to use this book: read a chapter, work the example, answer the discussion questions in writing, then read the summary again before you move on. Law is learned by working, not by looking.

Chapter 1 — What Crime Is

Criminal law is the state's book of prohibitions, enforced by prosecution and punishment. This chapter teaches its nature: how crime differs from civil wrong, who prosecutes, and what the state must prove.

Crime and civil wrong

The same act may be both a crime and a civil wrong: an assault founds a prosecution and a claim for damages. The difference lies in who sues, to what standard, and for what end. The state prosecutes to punish and deter; the victim sues to be compensated. The student must never let the two proceedings borrow each other's rules.

Crimes are created by law — statute in modern Nigeria, in written codes and enactments. No one is guilty of an offence that no law defined when the act was done; this principle of legality is the criminal law's first protection of the citizen.

The prosecution

The prosecution is brought in the name of the state, by police prosecutors and by the attorneys-general's departments, who hold the constitutional powers to institute, take over, and discontinue prosecutions. Private prosecution exists at the margins, under control. The prosecutor's duty is not to win at all costs but to place the evidence fairly before the court.

The accused is presumed innocent. That presumption is not a courtesy but a rule of the trial: it places the burden on the prosecution from first to last, and it is the reason silence cannot be turned into guilt.

The standard of proof

Guilt must be proved beyond reasonable doubt — the highest standard the law knows, because what is at stake is liberty and sometimes life. Doubt that is reasonable, arising from the evidence or its absence, acquits. Doubt that is fanciful does not; the standard is demanding, not impossible.

Each element of the offence must be proved to that standard: the act, the circumstances, the result where the offence requires one, and the accused's mental state. A chain proved link by link, with one link doubtful, is a chain broken.

Classification of offences

Offences are classified by gravity and procedure: felonies, misdemeanours, and simple offences in the southern codes' tradition; and by trial court and mode — indictable matters for the high courts, summary matters for the magistrates. Classification decides where and how a case is tried, and what powers of arrest and bail apply.

The student should learn classification as working equipment: the charge sheet, the court, and the procedure all flow from it.

Worked example

A shopkeeper detains a suspected thief and beats him, then reports the theft. Two proceedings may follow: the thief's prosecution for stealing, and the shopkeeper's prosecution for assault — plus the thief's civil claim. The criminal law judges each act on its own elements; a victim of crime holds no licence to commit one.

Discussion questions

• How do crime and civil wrong differ in who sues, the standard, and the end?

• What does the principle of legality forbid?

• Why is the prosecutor's duty not simply to win?

Chapter summary

In this chapter you have studied the following ground. Criminal law is the state's book of prohibitions, enforced by prosecution and punishment. On crime and civil wrong: The same act may be both a crime and a civil wrong: an assault founds a prosecution and a claim for damages. On the prosecution: The prosecution is brought in the name of the state, by police prosecutors and by the attorneys-general's departments, who hold the constitutional powers to institute, take over, and discontinue prosecutions. On the standard of proof: Guilt must be proved beyond reasonable doubt — the highest standard the law knows, because what is at stake is liberty and sometimes life. On classification of offences: Offences are classified by gravity and procedure: felonies, misdemeanours, and simple offences in the southern codes' tradition; and by trial court and mode — indictable matters for the high courts, summary matters for the magistrates. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

Chapter 2 — The Elements of an Offence

Every offence is built of elements: a prohibited act or omission, and a blameworthy mind. This chapter teaches actus reus and mens rea, and how the two must meet in time.

Actus reus — the outward element

The actus reus is the offence's outward part: an act, an omission where the law imposes a duty to act, or a state of affairs, together with the circumstances and consequences the definition requires. A voluntary act is required; the sleepwalker and the person physically compelled do not act in law's sense.

Omissions punish only where a duty exists — from statute, from relationship, from assumption of care, or from creating a danger. The bystander who merely watches is, generally, no criminal; the parent who starves a child is, because the duty was his.

Mens rea — the guilty mind

Mens rea names the mental element: intention, knowledge, recklessness, or in some offences negligence. Intention is purpose — the result aimed at. Recklessness is foresight of a risk, unjustifiably taken. The offence's definition states which mind it requires, and the prosecution must prove the one stated, not a worse or a lesser one.

Some offences impose strict liability — no mental element as to one or more elements — usually regulatory matters where the legislature has plainly so intended. Courts presume mens rea unless the statute clearly displaces it, because punishment without fault is a grave step.

Coincidence in time

Act and mind must coincide: the guilty mind must attend the guilty act. A man who takes property honestly and later decides to keep it may commit a different offence from theft, or none, depending on the definition — the timing is not a detail but the offence's anatomy.

A continuing act can carry a later-formed mind into coincidence, and a series of acts may be read as one transaction. These are the courts' honest devices for matching doctrine to real conduct.

Transferred malice and mistakes

Where the accused aims at one person and strikes another, the malice transfers: the intent follows the blow. But malice aimed at a wholly different kind of harm does not transfer across categories — intention to damage property does not make an unintended killing murder by transfer.

Mistake of fact may negative mens rea when it is honest and, for some offences, reasonable; mistake of law never excuses. Everyone is conclusively presumed to know the law of the land — a fiction, but the fiction on which a legal order stands.

Worked example

A night watchman, hearing intruders, fires at a shape and kills his own employer returning unexpectedly. The act — shooting a human being — is present. The question is the mind: if he honestly believed the shape was an intruder threatening life, mistake and self-defence enter; the elements are examined one by one, not by the tragedy of the result.

Discussion questions

• State the two elements of an offence and why they must coincide.

• When does an omission become criminal?

• Why do courts presume mens rea in a silent statute?

Chapter summary

In this chapter you have studied the following ground. Every offence is built of elements: a prohibited act or omission, and a blameworthy mind. On actus reus — the outward element: The actus reus is the offence's outward part: an act, an omission where the law imposes a duty to act, or a state of affairs, together with the circumstances and consequences the definition requires. On mens rea — the guilty mind: Mens rea names the mental element: intention, knowledge, recklessness, or in some offences negligence. On coincidence in time: Act and mind must coincide: the guilty mind must attend the guilty act. On transferred malice and mistakes: Where the accused aims at one person and strikes another, the malice transfers: the intent follows the blow. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

Chapter 3 — Defences

A defence answers the prosecution's case: it denies an element, or admits the act and justifies or excuses it. This chapter teaches the general defences — mistake, intoxication, insanity, duress, self-defence, and the rest.

How defences work

Some defences merely raise a doubt the prosecution must remove; others must be proved by the accused on the balance of probabilities, insanity being the standing example. The student should learn, for each defence, who bears which burden — procedure here is substance.

A defence is not a loophole. Each general defence embodies a judgment of justice: that the insane should not be blamed, that the coerced chose the lesser evil, that a person may repel unlawful force. Doctrine and morality here walk together.

Insanity and intoxication

Insanity in law is a defect of reason from disease of the mind such that the accused did not know the nature of the act, or did not know it was wrong. Medical madness and legal insanity are cousins, not twins; the legal test is cognitive, and it is for the defence to prove it on the balance of probabilities.

Voluntary intoxication is generally no defence to offences of basic intent, for the law treats the choice to become intoxicated as the fault. Involuntary intoxication — the spiked drink — stands differently, and intoxication may negative the specific intent of offences that require one.

Duress and necessity

Duress excuses where threats of death or serious harm, present and operative, compelled the act, and a person of ordinary firmness might have yielded. It does not excuse murder in the strict tradition, for the law asks the citizen to prefer his own death to another's — a hard doctrine the student should know and question.

Necessity — choice of evils in genuine emergency — is narrower still in the criminal law, recognised cautiously and usually through specific defences rather than as a general charter.

Self-defence and prevention of crime

A person may use reasonable force to defend himself, another, or property, and to prevent crime. Reasonableness is judged on the facts as the accused honestly believed them to be, with allowance for the agony of the moment: the law does not weigh the defender's response in golden scales while the attack is upon him.

Excess destroys the defence: force far beyond the threat is retaliation wearing defence's clothing. The line is factual, drawn by juries of experience — in Nigeria, by the judge sitting as tribunal of fact and law.

Worked example

Cornered by an armed robber, a trader strikes once with a bottle and flees. The blow injures the robber. Self-defence answers completely: an imminent unlawful attack, a proportionate response, no element of revenge. Had the trader pursued the fleeing robber and beaten him senseless, the second act would stand unprotected.

Discussion questions

• Who bears the burden on insanity, and to what standard?

• Why is voluntary intoxication treated as fault?

• What limits self-defence?

Chapter summary

In this chapter you have studied the following ground. A defence answers the prosecution's case: it denies an element, or admits the act and justifies or excuses it. On how defences work: Some defences merely raise a doubt the prosecution must remove; others must be proved by the accused on the balance of probabilities, insanity being the standing example. On insanity and intoxication: Insanity in law is a defect of reason from disease of the mind such that the accused did not know the nature of the act, or did not know it was wrong. On duress and necessity: Duress excuses where threats of death or serious harm, present and operative, compelled the act, and a person of ordinary firmness might have yielded. On self-defence and prevention of crime: A person may use reasonable force to defend himself, another, or property, and to prevent crime. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

Chapter 4 — Offences Against the Person

Homicide, assault, and the offences of violence occupy the criminal law's centre. This chapter teaches murder and manslaughter, the assaults, and the principles that grade one killing from another.

Unlawful homicide

Homicide is the killing of a human being; unlawful homicide divides into murder and manslaughter. Murder requires the specific intent — to kill, or to cause grievous bodily harm — proved against a killing that is unlawful. The punishment tradition is the law's most solemn: capital in the codes for murder, which is why its elements are guarded so strictly.

Manslaughter is unlawful killing without murder's intent: voluntary, where provocation or another partial defence reduces murder; involuntary, where death results from an unlawful and dangerous act, or from gross negligence.

Provocation

Provocation reduces murder to manslaughter where the accused was provoked — by words or acts — to lose self-control, and did lose it, and a reasonable person might have done so. The doctrine is a concession to human frailty, judged partly by the accused's actual state and partly by the standard of ordinary self-control.

Cooling time kills the defence: a killing after the passion should have cooled is revenge, and revenge is murder. The suddenness of the response is the doctrine's heartbeat.

Assaults and wounding

Below homicide stand the assaults: common assault, assault occasioning actual bodily harm, wounding, and causing grievous

bodily harm, graded by injury and intent. An assault is an act causing another to apprehend immediate unlawful violence; a battery is its application. Words alone, in the general tradition, do not assault, though words may negative an apparent threat.

Consent is a limited answer in the law of violence: one may consent to the ordinary contacts of life and sport, but not, generally, to serious injury inflicted for its own sake.

Sexual offences in outline

The law protects sexual autonomy with offences graded from rape — intercourse without consent, the absence of consent being the gist — through lesser sexual assaults. Consent obtained by force, threat, or fraud as to the nature of the act is no consent. The modern law's direction is toward the protection of the vulnerable and the careful trial of these grave charges.

Worked example

A man finds his brother's killer a week after the burial, plans the encounter, and kills him. However deep the grief, provocation cannot serve: the week is cooling time, the planning shows a governed mind, and the killing is murder. The same blow struck in the instant of a sudden, overwhelming provocation might have been manslaughter — time is the doctrine's measure.

Discussion questions

• What intent distinguishes murder from manslaughter?

• Why does cooling time defeat provocation?

• What is the gist of rape in law?

Chapter summary

In this chapter you have studied the following ground. Homicide, assault, and the offences of violence occupy the criminal law's centre. On unlawful homicide: Homicide is the killing of a human being; unlawful homicide divides into murder and manslaughter. On provocation: Provocation reduces murder to manslaughter where the accused was provoked — by words or acts — to lose self-control, and did lose it, and a reasonable person might have done so. On assaults and wounding: Below homicide stand the assaults: common assault, assault occasioning actual bodily harm, wounding, and causing grievous bodily harm, graded by injury and intent. On sexual offences in outline: The law protects sexual autonomy with offences graded from rape — intercourse without consent, the absence of consent being the gist — through lesser sexual assaults. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

Chapter 5 — Offences Against Property

Theft, robbery, burglary, fraud, and criminal damage protect property with the criminal law's weight. This chapter teaches their elements and the boundaries between them.

Theft and stealing

Theft — stealing in the codes' language — is the dishonest taking of another's property with intent permanently to deprive. Each word works: taking without any movement of the thing may suffice if control is assumed; property includes money and choses in action; 'another's' includes parting with one's own property in defined cases; and dishonesty is judged by ordinary standards, with claim of right honestly held negativing it.

A borrower who intends return does not steal, however unauthorised the borrowing — unless the dealing amounts in substance to an outright taking, as where the thing is pawned or consumed.

Robbery and burglary

Robbery is theft with force or the threat of immediate force, used to steal or to retain or escape. The force must attend the taking; force used only in a later, separate escape raises fine questions the courts answer by the transaction's unity.

Burglary is trespassory entry into a building with intent to commit a felony inside, aggravated at night in the house-breaking family. The trespass is entry without permission or beyond its scope — the invited guest who enters to steal enters as a trespasser in law.

Fraud and false pretences

Obtaining by false pretences — the fraud family — punishes the lie that obtains property: a false representation of existing fact, made knowingly or recklessly, intending the victim to act on it, and obtaining the property thereby. A broken promise is not a false pretence, for a promise speaks of the future; a lie about a present fact dressed as a promise may be.

Forgery completes the family: making a false document intending it to be accepted as genuine, to another's prejudice. The document lies about itself — its maker, its date, its authority.

Criminal damage and arson

Destroying or damaging another's property without lawful excuse, intending or reckless as to the damage, completes the property offences; arson is damage by fire, punished for fire's special terror and uncontrollability. Lawful excuse includes honest belief in consent and protection of property in immediate need.

Worked example

A customer pays a builder for materials, which the builder instead uses on another customer's house, honestly intending to replace them when his own delivery arrives. The analysis turns on dishonesty and intent permanently to deprive at the moment of use: consuming another's materials is a dealing inconsistent with the owner's rights, and later replacement does not rewind the offence if the elements were complete when the materials were used.

Discussion questions

• State the elements of theft, word by word.

• What makes robbery more than theft?

• Why is a broken promise not, without more, a false pretence?

Chapter summary

In this chapter you have studied the following ground. Theft, robbery, burglary, fraud, and criminal damage protect property with the criminal law's weight. On theft and stealing: Theft — stealing in the codes' language — is the dishonest taking of another's property with intent permanently to deprive. On robbery and burglary: Robbery is theft with force or the threat of immediate force, used to steal or to retain or escape. On fraud and false pretences: Obtaining by false pretences — the fraud family — punishes the lie that obtains property: a false representation of existing fact, made knowingly or recklessly, intending the victim to act on it, and obtaining the property thereby. On criminal damage and arson: Destroying or damaging another's property without lawful excuse, intending or reckless as to the damage, completes the property offences; arson is damage by fire, punished for fire's special terror and uncontrollability. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

Chapter 6 — Inchoate Offences and Participation

Crime is punished before completion — in attempts, conspiracy, and incitement — and beyond the single actor, in aiding, abetting, and joint enterprise. This chapter teaches liability for the unfinished and the shared offence.

Attempts

An attempt is an act more than merely preparatory to an offence, done with intent to commit it. Preparation — buying the tool, travelling to the place — is not yet attempt; the line is crossed when the accused embarks on the offence itself. Impossibility is generally no answer: the pickpocket whose chosen pocket is empty is guilty of attempt, for his intent and act are what the law punishes.

The test's application is factual: how close, how unequivocal, how much remained to be done. The student should argue both sides of the line — that arguing is the skill.

Conspiracy

Conspiracy is agreement between two or more to pursue an unlawful purpose. The agreement is the crime, complete when minds meet, though nothing is done in pursuance. Its rationale is the special danger of combination: crime organised is crime multiplied.

The prosecution must prove the agreement and its object; the agreement may be inferred from concerted conduct, for conspirators rarely sign minutes. Spouses, in the old tradition, were one person and could not conspire together alone — a survival the student will meet in the older texts.

Participation

The principal commits the act; aiders and abettors assist or encourage before or during; counsellors and procurers set it in motion from behind. All are liable, the secondary parties as if principals, because the law looks to contribution and intent rather than to whose hand struck.

Joint enterprise extends liability to the contemplated collateral offence: where two agree on crime A, and one commits crime B of the kind contemplated as a possibility of A, both answer for B. Withdrawal is possible but must be timely, unequivocal, and communicated — silent regret assists no one.

Corporate and vicarious liability

Companies commit crimes through their directing minds, and statutes increasingly fix corporations directly. Vicarious liability in crime is exceptional — the employer is not generally guilty of the servant's crime — except where statute, particularly in regulatory matters, plainly imposes it.

Worked example

Two men agree to burgle a warehouse; one buys gloves and studies the locks, the other keeps watch on the night but loses nerve and stays home, telling no one. The conspiracy was complete at the agreement. The glove-buying is preparation toward burglary but the conspiracy already stands; the absent man's uncommunicated withdrawal leaves his liability untouched.

Discussion questions

• Where does preparation end and attempt begin?

• Why does the law punish agreement itself as conspiracy?

• What must a withdrawal do to be effective?

Chapter summary

In this chapter you have studied the following ground. Crime is punished before completion — in attempts, conspiracy, and incitement — and beyond the single actor, in aiding, abetting, and joint enterprise. On attempts: An attempt is an act more than merely preparatory to an offence, done with intent to commit it. On conspiracy: Conspiracy is agreement between two or more to pursue an unlawful purpose. On participation: The principal commits the act; aiders and abettors assist or encourage before or during; counsellors and procurers set it in motion from behind. On corporate and vicarious liability: Companies commit crimes through their directing minds, and statutes increasingly fix corporations directly. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

Chapter 7 — Criminal Procedure in Outline

Substance needs its road: arrest, charge, bail, trial, sentence, appeal. This chapter teaches the procedure's shape, which the Courts and Procedure volume of this library treats in depth.

Arrest and charge

Arrest begins the process: with warrant, or without where the law permits — offences committed in view, reasonable suspicion of felony, and the like. The arrested person must be told the reason, treated humanely, and brought before a court within the constitutional periods. The charge then states the offence in writing, with particulars sufficient for the accused to know the case to meet.

A defective charge may be amended; a charge disclosing no offence known to law fails entirely. Precision in charge-drafting is a professional duty, for liberty turns on it.

Bail

Bail releases the accused on conditions pending trial, and it expresses the presumption of innocence in procedure: the untried are not punished by detention except where flight, interference, or further offences make detention necessary. Capital and grave offences attract stricter practice, but the principle governs all: bail is the rule's expression, detention the justified exception.

Conditions must be proportionate and capable of performance; impossible conditions are detention wearing bail's name, and appellate courts correct them.

Trial and verdict

The trial hears the prosecution's case, tests it by cross-examination and the submission of no case where the evidence cannot sustain a conviction, then hears the defence. The tribunal weighs the whole and convicts only on proof beyond reasonable doubt. Reasons for judgment are the judgment's soul, and in Nigerian practice the judge sits as tribunal of both fact and law.

Sentencing follows conviction: the court weighs gravity, record, mitigation, and the purposes of punishment — retribution, deterrence, rehabilitation, and protection — and pronounces a sentence within the law's limits.

Appeals in crime

The convicted person may appeal against conviction and sentence; the prosecution's appeals are narrower, reflecting the law's reluctance to try a citizen twice for the same matter. The double-jeopardy protection — autrefois acquit and autrefois convict — bars a second trial for the same offence after a lawful acquittal or conviction.

Worked example

An accused is held for five months awaiting trial for a bailable offence because the sureties demanded were set beyond any realistic means. On application, the reviewing court treats the conditions as a refusal in substance, reduces them to proportionate terms, and orders release — bail's principle enforced against its evasion.

Discussion questions

• What must happen, and when, after an arrest?

• Why is detention pending trial an exception to be justified?

• What does double jeopardy protect?

Chapter summary

In this chapter you have studied the following ground. Substance needs its road: arrest, charge, bail, trial, sentence, appeal. On arrest and charge: Arrest begins the process: with warrant, or without where the law permits — offences committed in view, reasonable suspicion of felony, and the like. On bail: Bail releases the accused on conditions pending trial, and it expresses the presumption of innocence in procedure: the untried are not punished by detention except where flight, interference, or further offences make detention necessary. On trial and verdict: The trial hears the prosecution's case, tests it by cross-examination and the submission of no case where the evidence cannot sustain a conviction, then hears the defence. On appeals in crime: The convicted person may appeal against conviction and sentence; the prosecution's appeals are narrower, reflecting the law's reluctance to try a citizen twice for the same matter. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

Chapter 8 — Punishment and Sentencing

The criminal law ends in sentence. This chapter teaches the purposes of punishment, the tariff of sanctions, and the discretion by which courts fit sentence to offence and offender.

Purposes of punishment

Retribution answers the wrong with deserved suffering; deterrence warns the offender and the audience; rehabilitation reforms; incapacitation protects by restraint; reparation repairs. Sentencing courts blend the purposes, and the blend differs by offence: violence calls protection forward, fraud calls deterrence, youth calls rehabilitation.

The student should be able to argue any sentence from the purposes — and to see that a sentence serving none of them is merely suffering administered.

The sanctions

The scale runs from discharge and fines through probation, community service in the modern reforms, imprisonment, and — for murder and the gravest offences in the codes — death. Fines must be proportioned to means as well as gravity; a fine that ruins the poor man and is nothing to the rich man is two punishments under one name.

Imprisonment's length is the tariff's main currency, guided by precedent ranges for like offences, so that like cases are treated alike — consistency is itself a sentencing principle.

Discretion and mitigation

Within the statutory range the judge weighs aggravation and mitigation: premeditation, breach of trust, and harm aggravate; youth,

first offence, plea of guilty, remorse, and restitution mitigate. The guilty plea earns reduction because it spares victims and resources and shows acceptance — but the reduction must never make the innocent plead guilty from arithmetic, and courts guard that line.

Sentencing remarks should be given and recorded: they are the court's account of itself, and the appeal court's map.

Young offenders and alternatives

Children and young persons stand under special procedures and dispositions, built on welfare and reform rather than retribution. The modern direction — in administration-of-criminal-justice reforms — widens non-custodial options, restorative processes, and the speedy trial that makes punishment instruction rather than mere attrition.

Worked example

A first offender of nineteen steals a telephone and pleads guilty at the first opportunity, returning the phone. Gravity is real but modest; youth, plea, restitution, and clean record pull strongly toward a non-custodial sentence. The court's remarks name each purpose considered — a sentence explained is a sentence that teaches.

Discussion questions

• Name the five purposes of punishment.

• Why must fines be proportioned to means?

• Why does a guilty plea earn reduction — and what danger guards it?

Chapter summary

In this chapter you have studied the following ground. The criminal law ends in sentence. This chapter teaches the purposes of punishment,

the tariff of sanctions, and the discretion by which courts fit sentence to offence and offender. On purposes of punishment: Retribution answers the wrong with deserved suffering; deterrence warns the offender and the audience; rehabilitation reforms; incapacitation protects by restraint; reparation repairs. On the sanctions: The scale runs from discharge and fines through probation, community service in the modern reforms, imprisonment, and — for murder and the gravest offences in the codes — death. On discretion and mitigation: Within the statutory range the judge weighs aggravation and mitigation: premeditation, breach of trust, and harm aggravate; youth, first offence, plea of guilty, remorse, and restitution mitigate. On young offenders and alternatives: Children and young persons stand under special procedures and dispositions, built on welfare and reform rather than retribution. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

Chapter 9 — Defences in Practice and Problem Method

This chapter gathers the subject into method: how criminal problems are analysed — elements first, then defences, then procedure — and worked through the problem types examinations and practice set.

The method

Take the facts apart act by act and actor by actor. For each candidate offence: state its elements, match each element to facts, mark what is missing or doubtful. Then take each defence the facts suggest and test its conditions. Then ask the procedural questions: court, charge, burden, standard. The order never changes, and discipline in the order is most of the marks.

Most student errors are element errors: a missing mental element assumed, a defence's condition skipped, a burden misplaced. The method exists to catch exactly those.

Working a homicide problem

In a killing problem, begin with the act and causation, then classify: murder's intent present? If yes, test the partial defences — provocation, and the others the facts raise. If no murderous intent, place the killing in manslaughter's branches. Finish with the full defences and the sentence. Causation deserves its own paragraph: intervening acts break the chain only when they are free, deliberate, and informed, or so abnormal that the original act fades into history.

Medical intervention, however negligent, rarely breaks causation; the victim's own refusal of treatment, in the tradition, does not either — the accused takes his victim as he finds him.

Working a property problem

In property problems, dishonesty and intent permanently to deprive decide most cases; work them slowly. Then the aggravating features — force for robbery, trespassory entry for burglary, the lie for fraud. Each aggravator is an element, and each element is a door the prosecution must walk through with evidence.

Where several accused appear, add the participation analysis: who did what, who assisted, what was contemplated in common.

Worked example

In a melee, A strikes B with a stick intending serious injury; B falls, strikes his head on a stone, and dies after refusing a transfusion on religious grounds. Analysis: the blow was unlawful and dangerous; intent to cause grievous harm would make murder; the refusal does not break causation — A takes his victim as found; provocation is not raised by the facts. Conclusion follows the elements, step by step.

Discussion questions

• Recite the criminal problem method in order.

• When does an intervening act break causation?

• Why does the victim's refusal of treatment not save the accused?

Chapter summary

In this chapter you have studied the following ground. This chapter gathers the subject into method: how criminal problems are analysed — elements first, then defences, then procedure — and worked through the problem types examinations and practice set. On the method: Take the facts apart act by act and actor by actor. On working a homicide problem: In a killing problem, begin with the act and causation, then

classify: murder's intent present? If yes, test the partial defences — provocation, and the others the facts raise. On working a property problem: In property problems, dishonesty and intent permanently to deprive decide most cases; work them slowly. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

Chapter 10 — Revision: The Criminal Map

The closing chapter rebuilds the whole: offence anatomy, the defences, the great offence families, and the trial's road — with the student's further study directed.

The whole in one view

Criminal law is a system of definitions guarded by a standard of proof. Definitions: act, mind, circumstance, result. Guards: legality, presumption of innocence, proof beyond reasonable doubt, and the defences that embody the law's moral judgments. Procedure is the road the system travels, and punishment its destination, justified only by its purposes.

Revise by rebuilding: write the elements of each offence from memory, then check; write each defence's conditions, then check. The checking is the learning.

Common confusions corrected

Theft is not fraud: taking versus obtaining by lie. Assault is not battery: apprehension versus application. Murder is not every killing: intent grades it. Conspiracy is not attempt: agreement versus proximity. Each confusion, once named, loses its power.

Burden errors are the other family: the prosecution proves the offence; the accused proves only what the law assigns him — insanity, and the facts of defences cast upon him by statute — on the balance of probabilities.

Further study

Read the codes' general parts entire — the chapters on interpretation, attempts, parties, and defences — for they govern every specific

offence. Then the leading cases on intent, causation, and provocation. This teaching version has carried the principles; the codes and cases now give them their exact Nigerian words.

Worked example

A revision problem: D, drunk by his own choice, takes a car honestly believing — drunkenly — that its owner would consent, and crashes it. Theft fails for want of proven dishonesty as the tribunal finds the belief, however foolish, honestly held; the taking-and-driving offence and criminal damage stand on their own elements; intoxication assists him nowhere it was voluntary. Element by element, the problem resolves.

Discussion questions

• Rebuild from memory: the elements of theft, robbery, and murder.

• Name the burden the accused ever bears, and its standard.

• Distinguish conspiracy from attempt in one sentence each.

Chapter summary

In this chapter you have studied the following ground. The closing chapter rebuilds the whole: offence anatomy, the defences, the great offence families, and the trial's road — with the student's further study directed. On the whole in one view: Criminal law is a system of definitions guarded by a standard of proof. On common confusions corrected: Theft is not fraud: taking versus obtaining by lie. On further study: Read the codes' general parts entire — the chapters on interpretation, attempts, parties, and defences — for they govern every specific offence. Work the discussion questions before you continue; the summary is a map for revision, not a substitute for the chapter.

PRACTICE PROBLEMS WITH GUIDED OUTLINES

Four problems follow, one for each of the first four chapters' ground. Attempt each in writing, under time, before reading its outline. The outline names the points a full answer must reach; it does not write the answer — that labour is yours, and it is where the learning is.

Problem 1 — What Crime Is

Advise on a dispute raising the ground of this chapter. A full answer must reach, in order: Crime and civil wrong; The prosecution; The standard of proof; Classification of offences. It must state each doctrine before applying it, must argue the other side's best point, and must conclude. Compare your attempt with the chapter's worked example: "A shopkeeper detains a suspected thief and beats him, then reports the theft. Two proceedings may follow: the thief's prosecution for stealing, and the shopkeeper's prosecution for..."

Problem 2 — The Elements of an Offence

Advise on a dispute raising the ground of this chapter. A full answer must reach, in order: Actus reus — the outward element; Mens rea — the guilty mind; Coincidence in time; Transferred malice and mistakes. It must state each doctrine before applying it, must argue the other side's best point, and must conclude. Compare your attempt with the chapter's worked example: "A night watchman, hearing intruders, fires at a shape and kills his own employer returning unexpectedly. The act — shooting a human being — is present. The question is the mind: if..."

Problem 3 — Defences

Advise on a dispute raising the ground of this chapter. A full answer must reach, in order: How defences work; Insanity and intoxication; Duress and necessity; Self-defence and prevention of crime. It must state each doctrine before applying it, must argue the other side's best point, and must conclude. Compare your attempt with the chapter's worked example: "Cornered by an armed robber, a trader strikes once with a bottle and flees. The blow injures the robber. Self-defence answers completely: an imminent unlawful attack, a proportiona..."

Problem 4 — Offences Against the Person

Advise on a dispute raising the ground of this chapter. A full answer must reach, in order: Unlawful homicide; Provocation; Assaults and wounding; Sexual offences in outline. It must state each doctrine before applying it, must argue the other side's best point, and must conclude. Compare your attempt with the chapter's worked example: "A man finds his brother's killer a week after the burial, plans the encounter, and kills him. However deep the grief, provocation cannot serve: the week is cooling time, the planni..."

A LAST WORD TO THE STUDENT

You have finished this teaching book. Finish is the wrong word: a law book is a tool, and it earns its place only when you return to it with a problem in your hand. Keep it beside the other books of this library, work the questions again after a month, and let each return teach you what the first reading could not. That is how lawyers are made — by return, by work, and by patience.

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