

Lawful excuse

Does the D have a **belief in consent**? s. 5(2)(a) Criminal Damage Act 1971.

Does the D believe property is in immediate need of protection? s. 5(2)(b) Criminal Damage Act 1971.

s. 5(2)(a)

s. 5(2)(b)

Does the D honestly believe he has the V's consent to damage/destroy the property? **Denton**.

Explain this using the scenario.

Remember, s. 5(3) allows a defence of mistaken belief in consent even if the D is intoxicated; **Jaggard v Dickinson**.

Did the D believe property was in immediate need of protection? **Hunt**.

Explain this using the scenario.

Remember, the item D is trying to protect must be property; Cresswell and Currie.

Remember, there is no defence if D is trying to protect a person; Baker and Wilkins.

Other defences?