

## **In the House of Lords**

### **R v Stubbs**

Adriana Stubbs had known Richard Smythe for ten years. Both were heroin addicts. On previous occasions Dan, Adriana's brother, supplied Adriana with the heroin but never participated in injecting the drugs. Richard Smythe was scared of needles and in the past, the normal practice was for Adriana to inject Richard with the heroin. Three months ago Richard met and formed a relationship with Sheena Bloggs who disapproves of his drug habit. She gave him an ultimatum: either he must give up drug use or their friendship must finish.

Richard told Adriana that he wanted no more to do with her and that he was going to seek drug counselling. Adriana suggested that Richard go on one last 'trip' with her. Dan provided the heroin and Richard met Adriana in her flat but decided that he could not go through with it. Adriana persuaded him that it was a particularly good batch of heroin and that it would give them a good 'trip' to go out on. Richard agreed, but with considerable reluctance. Adriana became impatient and told Richard that she would leave the syringe with him while she went out to get some cider. Her parting shot was: "Be a man!" as she left the flat. Richard hesitated, but the sight of the heroin overwhelmed him and he injected himself.

The heroin was in fact contaminated and Richard died as a result. Adriana was charged with manslaughter, which the prosecution sought to prove on the basis of an unlawful and dangerous act which caused death. Adriana was found guilty by the jury in the Crown Court after Parkes J. directed that if they found that her words and actions were a direct cause of Richard's death, they should ignore the fact that it was Richard's own act of self-injection that was the immediate cause of his death, since Richard and Adriana were acting in concert.

The Court of Appeal upheld the conviction. Adriana is now appealing to the House of Lords on the following points of law:

1. That the trial judge failed to direct the jury as to the nature of the unlawful act required for constructive manslaughter; and on the evidence, there was no unlawful act;
2. That if there was an unlawful act either of supplying a controlled drug under s.4(1) Misuse of Drugs Act 1971, or of unlawfully and maliciously administering or causing to be administered a noxious thing, contrary to s.23 Offences Against the Person Act 1861, the victim's own free, deliberate and informed act of self-injection relieved the defendant of liability for the death.

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