**Appendix A**

Please read the following case situation, you will then be presented with several evidential facts and statute provisions relevant to the case.

This case took place in a small town in the Otago region, New Zealand.

***R v Zellman***

Peter and his wife Kathleen decide to visit the local bar and grill for dinner, with the intention of going to the theatre after dinner. On completing dinner, Peter walks to the cashier desk to pay the bill while his wife Kathleen goes to the ladies-room to freshen up. Kathleen needs to go through the bar area to get to the ladies-room and in doing so encounters only one person, Johnny, an unemployed local who has been drinking heavily at the bar for some time. Johnny insists on Kathleen in joining him for a dance on the dance floor, Kathleen promptly refuses his invitation. Johnny becomes increasingly insistent and physically rough in an attempt to force her to dance. At this point, the barperson intercedes and warns Johnny to leave Kathleen alone or he will have to leave the premises. Kathleen continues on her way to the ladies-room and the barperson leaves the bar area to change a keg out the back. When returning through the bar area, Kathleen encounters Johnny for a second time and again Johnny becomes physically insistent that Kathleen join him for a dance. At this moment, Peter (Kathleen’s husband) enters the bar area and witnesses Johnny's treatment of Kathleen. Peter immediately demands that Johnny move away from Kathleen and Johnny's response to this request is to ignore Peter. Again, Peter demands that Johnny leave Kathleen alone and consequently Johnny picks up a pool cue from the pool table, swings the object at Peter's head and misses. Johnny then turns his attention to Kathleen and physically threatens to hit her with the pool cue. In an attempt to stop Johnny's attack, Peter pushes Johnny with *considerable* force and Johnny falls to the ground, however, not before he smacks his head against the edge of the bar. On inspection, Johnny appears to be unconscious, however, is pronounced dead by paramedics who arrive at the scene thirty minutes later. Apart from Kathleen, there were no other witnesses to the altercation between Peter and Johnny.

Depending on the established facts-Either Self Defence or Culpable Homicide.

Culpable Homicide is either:

1. Manslaughter or
2. Murder-if the act of homicide is proven to be with appropriate mens rea (malice forethought) and not under provocation.

**Sentencing:**

1. “Self Defence” carries no term of imprisonment.
2. “Murder” carries a term of life imprisonment.
3. “Manslaughter” usually carries a term of significantly less time served than murder.