**Appendix B**

Evidential Facts and Relevant Statute Provisions-Either an Advantage or a Disadvantage to the Defendant.

**Advantage:**

1. A provision of the Crimes Act statute states that everyone is justified in using reasonable force in employing self-defence for his or her own protection.
2. The alcohol level found in Johnny’s blood system was 3 times above the legal limit for driving.
3. A section of the Crimes Act states that culpable homicide may be ‘manslaughter’ if the person who caused the death did so under provocation.
4. When arresting Peter for Johnny’s death, the arresting officers failed to inform Peter as to his legal rights, therefore, a possibility exists that the procedural aspects of the arrest are illegal.
5. Self-defence is legally justifiable when a defendant uses force for the protection of another person, such as a husband or wife.
6. Johnny has been a middleweight boxer for several years and consequently had received numerous blows to the skull, causing significant damage to the head area.
7. During a police interview, Johnny’s girlfriend stated that recently, Johnny had blamed Peter (even though Johnny was responsible) for a failed business venture that he and Peter had collaborated in and that Johnny swore he would get revenge on Peter.
8. Johnny’s autopsy results were inconclusive and it could not be established that the cause of death was related to the blow to his head that he had received when Peter pushed him.
9. Prior to the paramedics’ arrival, Peter, believing that Johnny was in an unconscious state, placed Johnny in the recovery position to ensure that he had clear airways and was not in any danger of suffocating.
10. During a police interview, the barperson supported Peter’s testimony concerning Johnny’s prior physically abusive treatment of Kathleen in the bar area.

**Disadvantage:**

1. Peter has a history of serious anger issues, which sometimes resulted in violent outbursts and has attended anger management programs.
2. Johnny and Peter were previously business partners in a business that is currently bankrupt, due to irresponsible management decisions made by Johnny.
3. Kathleen has a previous history of committing adultery with other men.
4. A provision of the Crimes Act states that ‘murder’ has occurred if the offender means to cause the death of the person killed.
5. With the death of either Peter or Johnny several outstanding debts from their previous business becomes null and void.
6. Several witnesses in a local hotel claim they viewed an altercation the previous weekend between Johnny and Peter in which Peter threatened Johnny’s life.
7. A principle of self-defence states that when the accused uses more force than what the law allows, the accused is liable for the excess of force used.
8. A principle of self-defence states that if the accused’s use of force is proven as revenge or retaliation, then the Court may reject self-defence as a defence.
9. A provision of the Crimes Act states that culpable homicide is ‘murder’ if the offender means to cause any bodily injury (e.g., a blow to the head) that is known to the offender to be likely to cause death.

The forensic evidence relating to Johnny’s fingerprints on the pool cue was contaminated and therefore, inadmissible in Court.