

Diminished Responsibility

Page 262 Intoxication

It was held by the CA in **Wood [2008] EWCA Crim 1305** that *Dietschmann* did not exclude from Diminished Responsibility the defendant with an abnormality who had voluntarily drunk alcohol although voluntary intoxication could never, on its own, amount to an abnormality (see last updating). The HL has now considered the matter further in **R v Stewart (James) [2009] Times Law Reports 20.7.09**. Briefly, *Tandy* was too rigid. The House set out new guidelines where D.R. was the result of alcohol dependency syndrome which might include some instances of voluntary intoxication:

1. Was D suffering from an abnormality of mind? The nature and extent of the syndrome would need to be considered as well as whether the drinking before the killing was the involuntary result of an irresistible craving.
2. Was the abnormality caused by disease or illness?
3. Was D's mental responsibility substantially impaired? This would involve consideration of the distinction between a failure to resist the impulse to drink and inability to do so.