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“In determining whether the prosecution has proved that the defendant was acting dishonestly, a jury must first of all decide whether according to the ordinary standards of reasonable and honest people what was done was dishonest. If it was not dishonest by those standards, that is the end of the matter and the prosecution fails.

If it was dishonest by those standards, then the jury must consider whether the defendant himself must have realised that what he was doing was by those standards dishonest. In most cases, where the actions are obviously dishonest by ordinary standards, there will be no doubt about it. It will be obvious that the defendant himself knew that he was acting dishonestly. It is dishonest for a defendant to act in a way which he knows ordinary people consider to be dishonest, even if he asserts or genuinely believes that he is morally justified in acting as he did.”



... 2008 ...

(1) Was what was done dishonest according to the ordinary standards of reasonable and honest people? If no, D is not guilty. If yes:

(2) Did the defendant realize that reasonable and honest people regard what he did as dishonest? If yes, he is guilty; if no, he is not.

... (objective) ... (subjective) ...



