



STANTON CITIZEN'S COURT

Summary of Offenses (Guidance)

This note contains a summarised table of the current offenses established under the Emergency Crime Provisions Act 2952. Please note that this document is for guidance and educational purposes only and the contents therein should not be viewed as legislative authority.

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MURDER

What the prosecution need to prove	What submissions might apply in your defense
<p>That an act was committed by you which caused the death of a person with intent to kill or cause serious harm, without a lawful defense.</p> <p style="text-align: center;">Section 1(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Self defense – if you believe the force you used was necessary to protect yourself or someone else from death or serious injury, but the court must be satisfied that your self-defense was reasonable in the circumstances. <i>If the court is satisfied of this defense it will automatically convert the charge of murder into a conviction for manslaughter instead. This defense will not show innocence.</i>
<p><i>What does this mean?</i></p>	<ul style="list-style-type: none"> • Diminished Responsibility – if you were suffering an abnormality of functioning that impaired your ability to understand what you were doing, but it must be relevant to the circumstances of the killing to satisfy the court. <i>If the court is satisfied of this defense it will automatically convert the charge of murder into a conviction for manslaughter instead. This defense will not show innocence.</i>
<ul style="list-style-type: none"> • “an act was committed by you” – such as stabbing, shooting, punching etc. 	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to kill because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
<ul style="list-style-type: none"> • “caused the death of a person” – meaning your act (as above) led to that person needing to regenerate into a new body. 	<ul style="list-style-type: none"> • Lawful Duty – if you were permitted by law to carry out the killing. (reserved usually for police officers and bounty hunters, but not always)
<ul style="list-style-type: none"> • “with intent to kill or cause serious harm” – meaning that you either intended for a person to die or were so reckless that death resulting from your act was a natural and probable consequence of it. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the death either entirely accidental or completely nothing to do with you.
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



GROSS NEGLIGENCE MANSLAUGHTER

What the prosecution need to prove	What submissions might apply in your defense
<p>That you owed a duty of care to the victim and that you breached that duty (by an act or a failure to act) in such a bad way which caused the victim to die, without a lawful defense”</p> <p>Section 2(1),(3) ECPA 2952</p>	<ul style="list-style-type: none"> • Diminished Responsibility – if you were suffering an abnormality of functioning that impaired your ability to understand what you were doing, but it must be relevant to the circumstances of the killing to satisfy the court.
<p><i>What does this mean?</i></p>	
<ul style="list-style-type: none"> • “That you owed a duty of care to the victim” – such as in your capacity as their superior/crewmate or perhaps as a patient in your care. In addition to specific duties of care, any person piloting a vehicle owes a duty of care to everyone else during that time. The prosecution must prove to the court that a duty existed. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the death either entirely accidental or completely nothing to do with you.
<ul style="list-style-type: none"> • “and that you breached that duty (by an act or failure to act)” – meaning you either did something or did not do something when you should have. I.e. a patient in your care, either overdosing them on medication or watching them die without helping or failing to warn a crewmate of a danger you knew about. 	
<ul style="list-style-type: none"> • “in such a bad way” – meaning that your act or failure to act fell far below what the court considers to be competent and reasonable conduct in the circumstances. 	
<ul style="list-style-type: none"> • “which caused the victim to die” – meaning your act or failure to act led to that person needing to regenerate into a new body. 	
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



UNLAWFUL ACT MANSLAUGHTER

What the prosecution need to prove	What submissions might apply in your defense
<p>That an unlawful act committed by you which carries some risk of harm, directly resulted in the death of the victim, without a lawful defense.</p> <p>Section 2(1),(4) ECPA 2952</p>	<ul style="list-style-type: none"> • Diminished Responsibility – if you were suffering an abnormality of functioning that impaired your ability to understand what you were doing, but it must be relevant to the circumstances of the killing to satisfy the court. • Lawful Act – if the act which caused the defense has any lawful defenses which may apply (i.e. self-defense, duress etc.), then that might show that the act was lawful rather than unlawful. • Absolute Innocence – lawful conduct, done in a lawful way making the death either entirely accidental or completely nothing to do with you.
<p><i>What does this mean?</i></p>	
<ul style="list-style-type: none"> • “An unlawful act committed by you” – includes any offence either misdemeanor or felony which can be considered a crime which may include but is not limited to; assault, criminal damage, robbery etc. 	
<ul style="list-style-type: none"> • “which carries some risk of harm” – meaning your act (as above) is at risk of causing some type of injury, no matter how small to the victim. 	
<ul style="list-style-type: none"> • “directly resulted in the death of the victim” – meaning your act led to that person needing to regenerate into a new body. 	
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



FALSE IMPRISONMENT

What the prosecution need to prove	What submissions might apply in your defense
<p>That you deprived the liberty of another person for any period of time either intentionally or recklessly without a lawful defense. Section 3(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to falsely imprison the victim because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
<p><i>What does this mean?</i></p>	
<ul style="list-style-type: none"> • “that you deprived the liberty of another person” – such as by locking them in a room or place that they could not escape from or preventing them from leaving a room or place by threatening violence or flying/driving away with someone on board who then cannot leave otherwise they would die. 	<ul style="list-style-type: none"> • Lawful Duty – if you were permitted by law to carry out the imprisonment. (reserved usually for police officers and bounty hunters, but not always), this will mean it was not false.
<ul style="list-style-type: none"> • “for any period of time” – meaning it could be for as little as a few seconds or as long as hours and beyond that. 	<ul style="list-style-type: none"> • Consent – if you can show that the victim consented to the imprisonment or conduct that directly led to it.
<ul style="list-style-type: none"> • “either intentionally or recklessly” – meaning that you either intended for the person to be imprisoned/unable to leave or you ought to have realised that they would be imprisoned/unable to leave. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the imprisonment either entirely accidental or completely nothing to do with you.
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



TRAFFICKING A CONTROLLED SUBSTANCE

What the prosecution need to prove	What submissions might apply in your defense
<p>That you were engaged in the sell, supply or distribution of a controlled substance, intentionally without a lawful defense.</p> <p style="font-size: small;">Section 4(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to engage in the trafficking because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
<i>What does this mean?</i>	
<ul style="list-style-type: none"> • “engaged in the sell, supply or distribution” – means engaging in any activity related to facilitating, transferring or delivering a controlled substance to others, whether by sale, exchange, gift, or any other means, including the general movement of a controlled substance. This can therefore mean showing someone how to find drugs could also satisfy this definition. 	<ul style="list-style-type: none"> • Lawful Duty – if you were permitted by law to carry out the trafficking. (reserved usually for specific authorised situations, like an officer confiscating the substances to be destroyed)
<ul style="list-style-type: none"> • “controlled substance” – means: Maze, SLAM, WiDoW, Neon or E’tam. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the trafficking either entirely accidental or completely nothing to do with you.
<ul style="list-style-type: none"> • “intentionally” – means that in your act of engaging the sell, supply or distribution of a controlled substance, you deliberately meant to be involved with that activity or activities, or it would be so obvious to any other reasonable person what was happening that it is almost certain you had to have known. 	<ul style="list-style-type: none"> • Entrapment – whilst not technically a defense, if the police have entrapped you into committing this offense the court can be convinced that this is not justified in all cases, which would make the basis of the evidence against you unlawful. Very dependent on facts of specific cases and unlikely to establish for most trafficking situations.
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



THEFT

What the prosecution need to prove	What submissions might apply in your defense
<p>That you dishonestly appropriated property belonging to another with the intention to permanently deprive them of it, without a lawful defense.</p> <p style="text-align: center;">Section 5(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to engage in the theft because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
<p><i>What does this mean?</i></p>	
<ul style="list-style-type: none"> • “that you dishonestly appropriated property belonging to another” – means that you took possession, control or demonstrated some form of ownership over an asset (money, goods, ships or anything capable of being owned) which belonged to someone other than you. 	<ul style="list-style-type: none"> • Lawful Duty – if you were permitted by law to carry out the theft. (reserved usually for police officers and bounty hunters, but not always)
<ul style="list-style-type: none"> • “with the intention to permanently deprive them of it” – meaning you did something with that property which treats it as your own, therefore ignoring the owner’s rights over it. (i.e. disposing of it, reselling it, having it in your possession). Returning an asset to its original owner after theft will not change this element of the offense. 	
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the theft either entirely accidental or completely nothing to do with you.



ROBBERY

What the prosecution need to prove	What submissions might apply in your defense
<p>That you dishonestly appropriated property belonging to another with the intention to permanently deprive them of it, and used force or the threat of force, without a lawful defense.</p> <p style="text-align: center;">Section 6(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to engage in the robbery because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
<p><i>What does this mean?</i></p>	
<ul style="list-style-type: none"> • “that you dishonestly appropriated property belonging to another” – means that you took possession, control or demonstrated some form of ownership over an asset (money, goods, ships or anything capable of being owned) which belonged to someone other than you. 	<ul style="list-style-type: none"> • Lawful Duty – if you were permitted by law to carry out the robbery. (reserved usually for police officers and bounty hunters, but not always)
<ul style="list-style-type: none"> • “with the intention to permanently deprive them of it” – meaning you did something with that property which treats it as your own, therefore ignoring the owner’s rights over it. (i.e. disposing of it, reselling it, having it in your possession). Returning an asset to its original owner after theft will not change this element of the offense. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the robbery either entirely accidental or completely nothing to do with you.
<ul style="list-style-type: none"> • “and used force or the threat of force” – meaning that you acted with physical violence to obtain the property or threatened to use physical violence to obtain the property. Physical force may include aggressive forms of coercion or compulsion more generally also. 	
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



CRIMINAL DAMAGE

What the prosecution need to prove	What submissions might apply in your defense
<p>That you damaged or destroyed property belonging to another either intentionally or recklessly without a lawful defense. Section 7(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Self defense – if you believe the damage you caused was necessary to protect yourself or someone else from harm or injury, but the court must be satisfied that your self-defense was reasonable in the circumstances.
<p><i>What does this mean?</i></p>	<ul style="list-style-type: none"> • Protecting Property – if you believe the damage you caused was necessary to protect your own property or the property of another, but the court must be satisfied that the way in which you protected property was reasonable in the circumstances.
<ul style="list-style-type: none"> • “that you damaged” – means that you caused any harm, loss or impairment to property, which might include defacement, alteration or reduction in value or usability. 	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to engage in the damage because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
<ul style="list-style-type: none"> • “or destroyed” – meaning your act would have caused such severe damage that the property became entirely useless, irreparable or inoperable. 	<ul style="list-style-type: none"> • Lawful Duty – if you were permitted by law to carry out the damage. (reserved usually for police officers and bounty hunters, but not always)
<ul style="list-style-type: none"> • “property belonging to another” – meaning over an asset (money, goods, ships or anything capable of being owned) which belonged to someone other than you. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the damage either entirely accidental or completely nothing to do with you.
<ul style="list-style-type: none"> • “either intentionally or recklessly” – meaning that you either deliberately meant for the damage to happen or, you should have expected that damage to the property would have occurred as a consequence of your actions. 	
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



PIRACY

What the prosecution need to prove	What submissions might apply in your defense
<p>That you dishonestly appropriated property belonging to another with the intention to permanently deprive them of it, and used force or the threat of force in addition to damaging or destroying a ship belonging to another either intentionally or recklessly, without a lawful defense Section 8(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Self defense – if you believe the damage you caused was necessary to protect yourself or someone else from death or serious injury, but the court must be satisfied that your self-defense was reasonable in the circumstances. <i>(Applies to CRIMINAL DAMAGE element)</i>
<p><i>What does this mean?</i></p>	<ul style="list-style-type: none"> • Protecting Property – if you believe the damage you caused was necessary to protect your own property or the property of another, but the court must be satisfied that the way in which you protected property was reasonable in the circumstances. <i>(Applies to CRIMINAL DAMAGE element)</i>
<ul style="list-style-type: none"> • “that you dishonestly appropriated property belonging to another” – means that you took possession, control or demonstrated some form of ownership over an asset (money, goods, ships or anything capable of being owned) which belonged to someone other than you. 	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to engage in the piracy because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you. <i>(Applies to BOTH elements)</i>
<ul style="list-style-type: none"> • “with the intention to permanently deprive them of it” – meaning you did something with that property which treats it as your own, therefore ignoring the owner’s rights over it. (i.e. disposing of it, reselling it, having it in your possession). Returning an asset to its original owner after theft will not change this element of the offense. 	<ul style="list-style-type: none"> • Lawful Duty – if you were permitted by law to carry out the robbery. (reserved usually for police officers and bounty hunters, but not always) <i>(Applies to BOTH elements)</i>
<ul style="list-style-type: none"> • “and used force or the threat of force” – meaning that you acted with physical violence to obtain the property or threatened to use physical violence to obtain the property. Physical force may include aggressive forms of coercion or compulsion more generally also. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the robbery either entirely accidental or completely nothing to do with you. <i>(Applies to BOTH elements)</i>
<ul style="list-style-type: none"> • “in addition to damaging” – means that you caused any harm, loss or impairment to property, which might include defacement, alteration or reduction in value or usability. 	
<ul style="list-style-type: none"> • “or destroying” – meaning your act would have caused such severe damage that the property became entirely useless, irreparable or inoperable. 	
<ul style="list-style-type: none"> • “a ship belonging to another” – meaning over any powered vehicle (all ships, land vehicles, snubs, bikes, hovercraft etc.) which belonged to someone other than you. 	
<ul style="list-style-type: none"> • “either intentionally or recklessly” – meaning that you either deliberately meant for the damage to happen or, you should have expected that damage to the property would have occurred as a consequence of your actions. 	
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



OBSTRUCTION OF JUSTICE

What the prosecution need to prove	What submissions might apply in your defense
<p>That you engaged in conduct that obstructs, hinders or interferes with the administration or course of justice, intentionally without a lawful defense.</p> <p>Section 9(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to engage in the obstruction because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
<p><i>What does this mean?</i></p>	
<ul style="list-style-type: none"> • “that you engaged in conduct” – means you behaved in a particular way, and therefore can include a failure on your part to do something that was required of you. 	<ul style="list-style-type: none"> • Protection of constitutional or legal rights – if you reasonably believed that your constitutional rights under the JACA or the ECPA were being violated and the court finds that your response to this was proportionate.
<ul style="list-style-type: none"> • “that obstructs, hinders or interferes with the administration or course of justice” – meaning a course of conduct which has gone against this justice process. I.e. giving false information, fabricating statements, tampering or altering with evidence, concealing evidence, influencing or attempting to influence witnesses, police, judges, attorneys etc. and failing to comply with directions or orders made by the court. 	
<ul style="list-style-type: none"> • “intentionally” – meaning that you either deliberately conducted yourself in that way or in such a reckless way that it was obvious an obstruction would occur. 	
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



ASSAULT

What the prosecution need to prove	What submissions might apply in your defense
<p>That you caused another person to apprehend immediate and unlawful violence, without a lawful defense. Section 10(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Self defense – if you believe the force you used was necessary to protect yourself or someone else from harm or injury, but the court must be satisfied that your self-defense was reasonable in the circumstances.
<p><i>What does this mean?</i></p>	<ul style="list-style-type: none"> • Consent – if you can establish that the victim consented to the act or conduct that caused them to apprehend the use of violence against them.
<ul style="list-style-type: none"> • “to apprehend” – means the perception or awareness by the victim that you were about to be unlawfully violent to them. 	<ul style="list-style-type: none"> • Prevention of Crime – if you can establish that your actions were necessary to stop someone from committing a crime and that your act or conduct was reasonable in the circumstances.
<ul style="list-style-type: none"> • “immediate” – meaning your action, threat or otherwise would occur without delay or hesitation. 	<ul style="list-style-type: none"> • Lawful Duty – if you were permitted by law to carry out a lawful arrest. (reserved usually for police officers and bounty hunters, but not always)
<ul style="list-style-type: none"> • “and unlawful violence” – includes any act or conduct that is not legal such as physical harm, injury or any use of force. This includes threats which are not then carried out. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the assault either entirely accidental or completely nothing to do with you.
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



TRESPASS

What the prosecution need to prove	What submissions might apply in your defense
<p>That you entered or remained upon the property of another, without a lawful defense. Section 11(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Consent – if you can establish that you had the consent or permission of the person who owned the property in question to enter and remain on it.
<p><i>What does this mean?</i></p>	
<ul style="list-style-type: none"> • “that you entered or remained upon” – means that you physically crossed the boundary or threshold of the property in question. 	<ul style="list-style-type: none"> • Lawful Duty – if you were permitted by law to enter or remain upon the property. (reserved usually for police officers and bounty hunters, but not always)
<ul style="list-style-type: none"> • “the property of another” – meaning anything owned or controlled by another. Types of property most likely to be trespassed are ships, vehicles and other vessels. 	<ul style="list-style-type: none"> • Prevention of Crime – if you can establish that trespassing was necessary to stop someone from committing a crime and that your trespass was reasonable in the circumstances.
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to engage in the trespass because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the trespass either entirely accidental or completely nothing to do with you.



HARASSMENT

What the prosecution need to prove	What submissions might apply in your defense
<p>That you engaged in a course of conduct that amounts to harassment, without a lawful defense.</p> <p>Section 12(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Consent – if you can establish that the alleged victim consented to the course of conduct, or you had a reasonable belief in the existence of that consent.
<p><i>What does this mean?</i></p>	<ul style="list-style-type: none"> • Legitimate Purpose – if you can establish that the alleged harassment were undertaken for a genuine cause or reason.
<ul style="list-style-type: none"> • “that you engaged in a course of conduct”– means a series of actions, communications, or behaviours either directly or indirectly that occurred on at least two occasions. 	<ul style="list-style-type: none"> • Publication in the public interest – if you can establish that the alleged harassment which relates to the publication or distribution of information was reasonable in the circumstances and was something that has demonstrable public interest.
<ul style="list-style-type: none"> • “that amounts to harassment” – meaning you caused distress, alarm or fear to another person through your course of conduct (above) which might include but is not limited to: <ul style="list-style-type: none"> ○ Unwanted contact or messages. ○ Monitoring, observing and spying. ○ Loitering around a person’s property. ○ Making offensive remarks towards a person. ○ Publishing or sharing sensitive information. 	<ul style="list-style-type: none"> • Freedom of Expression – if you can establish that the alleged harassment is protected by your right to freedom of expression under the Justice Assembly Constitution Act 2952 and that the expression was made in a lawful and appropriate manner.
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the harassment either entirely accidental or completely nothing to do with you.



POSSESSING A CONTROLLED SUBSTANCE

What the prosecution need to prove	What submissions might apply in your defense
<p>That you were in possession of a controlled substance, knowingly, without a lawful defense.</p> <p>Section 13(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to engage in the possession because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
<p><i>What does this mean?</i></p>	<ul style="list-style-type: none"> • Lawful Duty – if you were permitted by law to be in possession. (reserved usually for specific authorised situations, like an officer confiscating the substances to be destroyed)
<ul style="list-style-type: none"> • “in possession of” – can mean that you had either: actual possession, constructive possession or joint possession. • <u>Actual possession</u> – where the drugs are on your person at the time of the offense (hands, pockets etc.) • <u>Constructive possession</u> – where it is somewhere under your control (ship, other vehicles, SCU storage box etc.) • <u>Joint possession</u> – where you and at least one other are found in actual or constructive possession, but the actual owner cannot be determined at the time. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the possession either entirely accidental or completely nothing to do with you.
<ul style="list-style-type: none"> • “controlled substance” – means: Maze, SLAM, WiDoW, Neon or E’tam. 	
<ul style="list-style-type: none"> • “knowingly” – means that you either were aware of having a controlled substance in your possession or in the circumstances, it was so obvious that you ought to have known you were in possession of them. 	<ul style="list-style-type: none"> • Entrapment – whilst not technically a defense, if the police have entrapped you into committing this offense the court can be convinced that this is not justified in all cases, which would make the basis of the evidence against you unlawful. Very dependant on facts of specific cases.
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



RECKLESS OPERATING

What the prosecution need to prove	What submissions might apply in your defense
<p>That you operated a ship in a manner that is dangerous and falls below the standard of care expected of a competent and prudent operator, thereby causing a risk of harm to others, without a lawful defense.</p> <p>Section 14(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Mechanical Failure – if you can establish that the dangerous operation of the vehicle was solely caused by a sudden and unforeseeable mechanical failure or defect and that you could not reasonably have anticipated or prevented that failure.
<i>What does this mean?</i>	
<ul style="list-style-type: none"> • “that you operated a ship in a manner that is dangerous” – refers to the way in which you were controlling the vehicle, would give rise to a risk of harm to others. This may also include the condition of the vehicle and the amount of traffic within the proximity. 	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to engage in the reckless operating because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
<ul style="list-style-type: none"> • “and falls below the standard of care expected of a competent and prudent operator” – meaning that your level of caution, skill or attention to the vehicle, its condition or those around you was not sufficient nor expected of a typical and competent operator. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the reckless operation either entirely accidental or completely nothing to do with you.
<ul style="list-style-type: none"> • “thereby causing a risk of harm to others” – meaning that either people aboard your vehicle, or in the surrounding area or nearby vehicles were put in harms way by your actions or lack of care and attention. 	
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	



OPERATING UNDER INFLUENCE

What the prosecution need to prove	What submissions might apply in your defense
<p>That you operated a ship while impaired by alcohol, drugs or any other substance that affected your ability to safely control the ship, without a lawful defense.</p> <p>Section 15(1) ECPA 2952</p>	<ul style="list-style-type: none"> • Duress – need to satisfy the court that you were compelled to engage in the operating while intoxicated because of a reasonable fear of immediate harm to yourself or others and there were no alternatives available to you.
<p><i>What does this mean?</i></p>	
<ul style="list-style-type: none"> • “that you operated a ship while impaired” – means that your mental or physical capabilities are significantly effected by the presence of alcohol, drugs or some other substance to an extent that you are unable to operate your vehicle safely. 	<ul style="list-style-type: none"> • Absolute Innocence – lawful conduct, done in a lawful way making the operating under influence either entirely accidental or completely nothing to do with you.
<ul style="list-style-type: none"> • “by alcohol, drugs or any other substance” – meaning any intoxicating substance, including spirits, wines, beers or any alcoholic or intoxicating beverage. This also extends to legal drugs and illegal drugs such as SLAM, WiDoW, E’tam, Neon or Maze. Any other substance would include any non-human intoxicant. 	
<ul style="list-style-type: none"> • “that effected your ability to safely control the ship” – meaning that due to intoxicants in your system, your operation of the vehicle created a risk of harm to those either aboard your vessel, or in the surrounding area or to other vessels and property within the area, not consistent with that of a typical and competent operator. 	
<ul style="list-style-type: none"> • “without a lawful defense” – meaning the court must be satisfied that none of the defenses from the right column apply (if you choose one to rely on). 	

