

**IN THE COURT OF APPEAL (CRIMINAL DIVISION)**

***Yorke v Attorney-General***

During the summer of 2004 Mr and Mrs Yorke went on a camping holiday. While she was preparing her husband's meal, Mrs Yorke remembered that her husband had beaten her severely exactly one year ago. Although he had not hit her since, she believed he might beat her again that day and so attempted to kill her husband by putting what she thought was caustic soda into his soup. In fact, the container had been wrongly labelled and what she did, in fact, put into the soup was powdered milk.

After he had eaten the soup Mrs Yorke made her husband a cup of tea. She put two tablets into the tea believing them to be saccharin, but again the bottle had been wrongly labelled and the tablets were, in fact, aspirin, to which Mr Yorke was severely allergic. He died in hospital two hours later as a result of an allergic reaction to the aspirin.

Mrs Yorke was tried for the murder of her husband and found guilty.

She appeals to the Court of Appeal on the grounds that:

1. the requisite *means rea* and *actus reus* for murder had not coincided, and
2. that she should have been convicted either of attempted murder and/or manslaughter on the grounds of provocation.