

ADVANCED GCE

LAW

Criminal Law

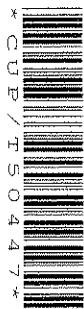
MONDAY 16 JUNE 2008

G143

Morning
Time: 2 hours

Additional materials (enclosed): Answer Booklet (16 page)

Additional materials (required):
None



INSTRUCTIONS TO CANDIDATES

- Write your name in capital letters, your Centre Number and Candidate Number in the spaces provided on the separate Answer Booklet.
- Write your answers, in blue or black ink, in the answer booklet provided.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- Answer **three** questions, **one** from Section A, **one** from Section B and **one** from Section C.
- Write the numbers of the questions you answer on the front of your answer booklet.
- If you use additional sheets of paper, fasten these securely to the answer booklet.

INFORMATION FOR CANDIDATES

- The number of marks for each question is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **120**.
- Quality of Written Communication (QWC)
Candidates are reminded of the need to write in continuous prose where appropriate. You will be assessed on your written communication and your use of appropriate legal terminology.

This document consists of **4** printed pages.

Answer **three** questions.

Answer **one** from Section A, **one** from Section B and **one** from Section C.

You are advised to spend 50 minutes on Section A, 50 minutes on Section B and 20 minutes on Section C.

SECTION A

Answer only **one** question from this section.

- 1 'Strict liability offences promote high standards of behaviour, protect the public and guard against dangerous activities. They are not only necessary but perfectly justifiable in a complex modern society.'

Consider the validity of this statement using relevant cases to illustrate your answer. [50]

- 2 Discuss whether the common law governing the offence of murder is satisfactory or is in need of reform by Parliament.

(Do not consider causation issues in answering this question.) [50]

- 3 'The law relating to the defence of insanity is outdated and unsatisfactory. Reform is long overdue in the interests of both justice and common sense.'

Evaluate the accuracy of this statement. [50]

SECTION B

Answer only **one** question from this section.

- 4 Alex and Barry are on the pavement arguing about a debt. Alex, who has been drinking excessively, suddenly lashes out at Barry with his fist, breaking Barry's nose. Barry runs into the road where he is struck by a motorcycle. Barry suffers a large wound to his leg.

Barry is bleeding heavily from a severed artery in his leg and is rushed to hospital. Barry refuses to have a blood transfusion because of his religious beliefs even though it would probably save his life. He dies later that day from loss of blood.

Discuss the potential criminal liability of Alex for the above incidents. [50]

- 5 Sanjit, while playing a football match, tackles Aaron fairly although Aaron's shin is bruised in the challenge. Seconds later Aaron deliberately head butts Sanjit and knocks him unconscious for a minute. The referee sends Aaron off and Sanjit has to leave the pitch for treatment and is replaced by a substitute.

In the changing room, Sanjit, now fully recovered, decides to get his own back on Aaron. He takes a leather jacket belonging to Aaron. Aaron comes through the doorway and sees what is happening. He tries to stop Sanjit who pushes Aaron to the floor. Sanjit then runs off with the jacket.

Discuss the potential criminal liability of Aaron and Sanjit for the above incidents. [50]

- 6 While shopping, Susan places some items of food in the wire basket which is provided. She also hides a bottle of perfume in her coat pocket. She then takes a price label off an expensive CD, switches it with the price label from a reduced price CD, and places the expensive one in the basket. She goes to the checkout and only pays for the items in the basket.

Outside the shop, Susan sees a bike which was there when she went in and which she remembers seeing there for several days. She rides home on it alongside a caravan park. She notices a personal CD player on a table inside one of the caravans. She goes inside and takes the CD player. She leaves the bike at the end of her road and goes home.

Discuss Susan's potential criminal liability for the above incidents. [50]

SECTION C

Answer only **one** question from this section.

- 7 Matt is in debt. He enters a shop intending to threaten the shop assistant with a gun in order to force him to hand over money. Inside the shop, Matt changes his mind, without getting the gun out of his pocket, when he sees CCTV cameras pointing at the counter. In his frustration, as he is leaving, he pushes another customer, Andrea, to the floor.

Evaluate the accuracy of **each** of the four statements A, B, C, and D individually, as they apply to the facts in the above scenario.

Statement A: Matt is not liable for burglary because he does not steal anything from the shop.

Statement B: Matt is liable for attempted robbery when he enters the shop.

Statement C: Matt is liable for robbery when he pushes Andrea to the floor.

Statement D: Matt is not liable for a battery against Andrea because it was not part of his original plan.

[20]

- 8 Holly lives with Ian. Ian frequently hits Holly. He threatens her that if she tries to leave him she will 'pay'. One evening Holly and Ian argue and Ian calls her 'a worthless slave'. Ian goes to bed. Holly watches television for two hours and drinks a bottle of vodka. On her way to the bedroom Holly takes a knife from the kitchen and, seeing Ian asleep, stabs him in the chest killing him instantly.

Evaluate the accuracy of **each** of the four statements A, B, C, and D individually, as they apply to the facts in the above scenario.

Statement A: Holly cannot plead provocation as a defence to a charge of murder because there is no evidence that she has been provoked.

Statement B: Holly still cannot plead provocation as a defence because her loss of self control was not 'immediate'.

Statement C: Holly will be successful in reducing her potential conviction for murder to voluntary manslaughter because she lost her self-control.

Statement D: Holly will be successful in reducing her potential conviction from murder to manslaughter by pleading intoxication as a defence.

[20]

Permission to reproduce items where third-party owned material protected by copyright is included has been sought and cleared where possible. Every reasonable effort has been made by the publisher (OCR) to trace copyright holders, but if any items requiring clearance have unwittingly been included, the publisher will be pleased to make amends at the earliest possible opportunity.

OCR is part of the Cambridge Assessment Group. Cambridge Assessment is the brand name of University of Cambridge Local Examinations Syndicate (UCLES), which is itself a department of the University of Cambridge.