

Friday 15 June 2012 – Afternoon

A2 GCE LAW

G153/01 Criminal Law

Candidates answer on the Answer Booklet.

OCR supplied materials:

- 16 page Answer Booklet
(sent with general stationery)

Other materials required:

None

Duration: 2 hours



INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the spaces provided on the Answer Booklet. Please write clearly and in capital letters.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Answer **three** questions; **one** from Section A, **one** from Section B and **one** from Section C.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- If you use additional sheets of paper, fasten these securely to the Answer Booklet.
- Write the numbers of the questions you answer on the front of your Answer Booklet.
- When answering Section A and Section B questions you are required to demonstrate some synoptic thinking. In Section A this is achieved by relevant reference to precedent and/or statutory materials including the development of law and comments on justice or morality, where appropriate. In Section B this is achieved by relevant use of precedent and/or statutory materials in the application of legal reasoning to given factual situations including comment on the justice or morality of the outcome where appropriate. You are not required to demonstrate synoptic thinking in Section C.
- Do **not** write in the bar codes.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **120**.
- Candidates are reminded of the need to write legibly and in continuous prose, where appropriate. In answering **Section A** and **Section B** questions you will be assessed on the quality of your written communication (QWC) including your use of appropriate legal terminology. These questions are marked with an asterisk (*).
- This document consists of **4** pages. Any blank pages are indicated.

Answer **three** questions.

Answer **one** question from Section A, **one** question from Section B and **one** question 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* 'The *mens rea* of murder is too complicated both in theory and practice. It needs to be simplified by Parliament.'

Discuss the extent to which this statement is accurate. [50]

- 2* 'The **Offences Against the Person Act 1861** has outlived its usefulness; it should be reformed as soon as possible.'

Discuss the extent to which this statement is accurate. [50]

- 3* Discuss the view that the defences of insane and non-insane automatism are in need of reform if they are to be of use in the modern English legal system. [50]

SECTION B

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

- 4* Stan and Tom decide to steal some valuable fish from Greenworld Aquatic Centre. Stan enters Greenworld with a net in his bag. At the fish pond Stan notices a CCTV camera so he walks away. Near the door are lots of chocolates. Stan eats one and leaves. That night Stan and Tom return. Stan acts as lookout and Tom enters Greenworld. He catches two fish and puts them in a bag. Tom smashes the CCTV camera. Wilbur, the security man, sees Tom and chases him. At the door Tom throws his bag towards Wilbur who trips over it and falls. When Stan sees Wilbur fall he runs up and kicks Wilbur in the head, knocking him unconscious.

Discuss the potential criminal liability of Stan **and** Tom for offences under the **Theft Act 1968**.
[50]

- 5* Nicole is auditioning for a TV talent show and she borrows £200 from Ricardo to buy a dress. When Ricardo wants the money back Nicole cannot pay. Ricardo says, "Get the money or I'll mess up that pretty face of yours!" Nicole decides to ask her uncle, Magnus, for the money. Nicole drinks half a bottle of wine and walks to Magnus' house. Nicole asks Magnus for the money but he refuses. Nicole is angry and she picks up a silver vase and throws it at Magnus, cutting his head badly. Nicole runs home and drinks the rest of the bottle of wine. An hour later Ricardo comes to Nicole's house, demanding his money. Ricardo moves towards Nicole and she thinks he is about to grab her so she punches him, breaking his nose.

Nicole is charged with offences under section 18 and section 47 **Offences Against the Person Act 1861**.

Discuss the **defences** which may be open to Nicole. [50]

- 6* Mark, aged 35, and Roy, aged 40, collect hunting knives. They are fooling around with two knives when Mark trips and Roy stabs him in the stomach with his knife. Roy dials 999 for an ambulance but it takes thirty minutes to arrive because the driver is on a tea break. Mark has lost a lot of blood. At the hospital Doctor Brown, who has been on duty for 20 hours, examines Mark and says he needs to have a blood transfusion to help save his life. Mark tells Doctor Brown that his religion forbids blood transfusions. Doctor Brown then insists Mark has an extra large dose of antibiotics instead and injects Mark without asking if he has any allergies. Mark dies an hour later of an allergic reaction to the antibiotics.

Discuss the criminal liability, if any, of Roy **and** Doctor Brown for the manslaughter of Mark. [50]

SECTION C

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

- 7 Maria finds out that her husband, Steve, is having an affair. Maria puts some rat poison into Steve's coffee but it has no effect. Maria runs Steve a bath and then connects a live electrical wire to the soap dish. Steve gets into the bath but before he touches the soap dish there is a power cut. Maria hires Nick to 'get Steve out of her life'. Nick puts explosives under Steve's car. When Steve starts the car it explodes. Steve is killed.

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: Maria is guilty of attempted murder when she puts the rat poison in Steve's coffee.

Statement B: Maria is guilty of attempted murder when she connects the wire to the soap dish.

Statement C: Nick is guilty of attempted murder when he puts explosives under Steve's car.

Statement D: Nick is guilty of murder when the car explodes.

[20]

- 8 Bruce runs a shop. Bruce sells a lottery ticket to Seth, who is 15-years-old, but looks older. Seth's mother, Molly, rings Bruce to complain. A local vet gives Bruce two rabbits he has shot saying he has checked that they are fine to eat. Bruce sells the rabbits to Molly and she makes rabbit stew. Seth eats the stew and gets severe food poisoning. In the middle of the night Bruce starts a fire by putting a lighted newspaper through Molly's letterbox and Molly is badly burned.

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: Bruce does **not** commit a strict liability offence when he sells the lottery ticket to Seth.

Statement B: Bruce commits a strict liability offence when he sells the rabbits to Molly.

Statement C: Bruce does **not** commit an offence under section 20 **Offences Against the Person Act 1861** when Seth gets severe food poisoning.

Statement D: Bruce commits an offence under section 18 **Offences Against the Person Act 1861** when Molly is badly burnt.

[20]

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