

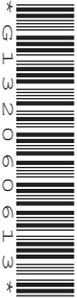
Thursday 6 June 2013 – Morning

A2 GCE LAW

G153/01/1 Criminal Law

INSERT – QUESTION PAPER

Duration: 2 hours



INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the boxes on the Answer Booklet. Please write clearly and in capital letters.
- Use black ink. HB pencil may be used for graphs and diagrams only.
- Read each question carefully. 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.
- 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.

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.

INSTRUCTION TO EXAMS OFFICER/INVIGILATOR

- Do not send this Insert for marking; it should be retained in the centre or recycled. Please contact OCR Copyright should you wish to re-use this document.

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* Discuss the extent to which the rules on causation need to be reformed. [50]

Start your answer on **page 2** of the Answer Booklet.

- 2* 'The **Criminal Attempts Act 1981** is a piece of legislation that shows the best and worst of Parliamentary law-making.'

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

Start your answer on **page 2** of the Answer Booklet.

- 3* 'The defences of duress and necessity are invaluable although critics argue that they are inconsistent.'

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

Start your answer on **page 2** of the Answer Booklet.

SECTION B

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

- 4* Robert and Thomas are friends. They are walking by a fast-flowing river and get into an argument. Robert pushes Thomas, who falls into the river. Robert runs along the river bank, pulls Thomas out of the water and calls an ambulance. The ambulance takes an hour to arrive because Kieran, the driver, has gone home to see his wife even though he is on duty.

At the hospital all the doctors are busy but Jenny, a medical student, decides Thomas urgently needs a shot of adrenalin into his heart. She calls a more senior doctor but gets no reply. In her rush to help, Jenny injects the adrenalin into Thomas' lung. Thomas dies a few minutes later.

Discuss the potential criminal liability of Robert, Kieran **and** Jenny for the involuntary manslaughter of Thomas. Do **not** discuss causation in detail. [50]

Start your answer on **page 10** of the Answer Booklet.

- 5* William is the manager of a shop. At the end of his shift he takes £200 out of the till as he is going on a night out. He plans to replace the money before the shop opens again. In the shop next door William sees a shirt he likes which costs £150. Another shirt has a sticky label which says £75 and so William swaps the labels.

William goes into a supermarket where he puts several items into his trolley. He eats a chocolate bar from a display, hiding the wrapper in his pocket. At the till, William pays for the items in his trolley. He hands over £10 and the assistant mistakenly gives him change for £20. On his way home, William picks some flowers from a garden and gives them to his girlfriend. The following day, William notices the extra change he was given at the supermarket. William keeps the money.

Discuss William's criminal liability for theft. [50]

Start your answer on **page 10** of the Answer Booklet.

- 6* Hayley was engaged to Chris when he was killed in a motorcycle crash. In memory of him Hayley always wears Chris's leather jacket and a bracelet he gave her. Chris's brother, Jack, had also wanted to marry Hayley and he used to tease her all the time by saying she had 'picked the wrong brother'.

A month after Chris's death, Hayley and Jack are at a party. Hayley hears Jack loudly telling a friend that Chris was a show off and deserved to die. Later, when Jack is carrying a drink he deliberately knocks into Hayley. She falls to the ground. The leather jacket is badly stained and the bracelet is broken. Hayley starts to cry and Jack laughs. Hayley goes outside and takes a tranquillizer the doctor has prescribed for her depression. Jack follows Hayley and tries to cuddle her. Hayley takes a knife from her pocket and stabs Jack several times, killing him instantly.

Discuss the criminal liability, if any, of Hayley for the death of Jack. Do **not** discuss causation in detail. [50]

Start your answer on **page 10** of the Answer Booklet.

SECTION C

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

- 7 Ludmilla is a diabetic who is depressed and caring for her elderly brother, Vincent. She has not taken her insulin and in a supermarket she puts a jar of coffee in her coat pocket. When stopped by the store detective Ludmilla says, “What jar of coffee?”

Later, Tony visits Ludmilla and Vincent at home. Tony has epilepsy, for which he takes medication, and, whilst there, he has an epileptic seizure. During the seizure, Tony grabs Vincent by the throat and then collapses on the floor. When Tony has recovered he asks Ludmilla out. She refuses and so Tony punches Ludmilla in the face and then leaves. That night, whilst sleepwalking, Ludmilla smothers Vincent with a pillow.

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. Start your answer on **page 18** of the Answer Booklet.

Statement A: Ludmilla will succeed with a defence of insanity on a charge of theft.

Statement B: Tony will succeed with a defence of automatism when he grabs Vincent.

Statement C: Tony will succeed with a defence of insanity when he punches Ludmilla.

Statement D: Ludmilla will succeed with a defence of insanity when she smothers Vincent.

[20]

- 8 Martin, Simon and Ben are professional rugby players. As they walk onto the pitch, Martin says to Simon, “I’m going to hurt you, mate”. Simon punches Martin on the arm before the game starts. Later, Simon tackles Martin and the force of the tackle cracks Martin’s ribs. Ben is about to score a try when Simon tackles him. Ben charges after Simon and punches him hard on the side of the head. Simon’s jaw is broken.

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. Start your answer on **page 18** of the Answer Booklet.

Statement A: Martin will be guilty of an assault on Simon as they walk onto the pitch.

Statement B: Simon will be guilty of a battery when he punches Martin on the arm.

Statement C: Simon will be guilty under section 20 **Offences Against the Person Act 1861** when Martin’s ribs are cracked.

Statement D: Ben will be guilty under section 18 **Offences Against the Person Act 1861** when Simon’s jaw is broken.

[20]

Copyright Information

OCR is committed to seeking permission to reproduce all third-party content that it uses in its assessment materials. OCR has attempted to identify and contact all copyright holders whose work is used in this paper. To avoid the issue of disclosure of answer-related information to candidates, all copyright acknowledgements are reproduced in the OCR Copyright Acknowledgements Booklet. This is produced for each series of examinations and is freely available to download from our public website (www.ocr.org.uk) after the live examination series.

If OCR has unwittingly failed to correctly acknowledge or clear any third-party content in this assessment material, OCR will be happy to correct its mistake at the earliest possible opportunity.

For queries or further information please contact the Copyright Team, First Floor, 9 Hills Road, Cambridge CB2 1GE.

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.