

ADVANCED GCE

LAW

Criminal Law

G153

Candidates answer on the answer booklet.

OCR supplied materials:

- 16 page answer booklet
(sent with general stationery)

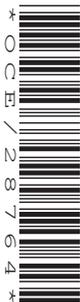
Other materials required:

None

Tuesday 1 February 2011

Afternoon

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.
- 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.
- 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** 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* 'The current difficulties surrounding omissions in the *actus reus* of a crime are unavoidable but need to be resolved if the modern law is to be fair.'

Discuss the accuracy of this statement.

[50]

- 2* 'The present law relating to involuntary manslaughter serves neither the defendant nor the criminal justice system.'

Discuss the accuracy of this statement.

[50]

- 3* Discuss the view that the defence of intoxication strikes a fair balance between legal principle and public policy.

[50]

SECTION B

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

- 4* Flora belongs to SaveMe, an organisation which opposes animal testing. Flora is told by someone in the SaveMe organisation that something bad will happen to her if she does not stop Wonderface using animals to test their cosmetics. Flora breaks into Wonderface with a cricket bat intending to smash up the office of Brian, the Director of Wonderface, believing that he has gone home. Brian is working late. Flora sees Brian and hits him ten times with the cricket bat. Brian dies of a fractured skull.

Discuss the potential criminal liability of Flora, including any relevant defences. [50]

- 5* Shane is unemployed. He wants money to buy his 11-year-old daughter, Tabitha, a birthday present and decides to rob his local shop. Shane enters the shop wearing a scary mask and pointing a gun. The gun is not real but it frightens Derek, the shopkeeper, so much that he hands over £100 to Shane. Without Shane knowing, Tabitha has followed her father into the shop intending to steal a DVD. Inside the shop Tabitha grabs a can of baked beans and throws the can of beans at the shop window, breaking it, before running away.

Discuss the criminal liability of Shane **and** Tabitha. [50]

- 6* Junaid and Oleg are first and second in a queue outside Electrostore to buy a television in the sale. When the doors open Oleg pushes Junaid out of the way. Junaid loses his balance, falls over and cuts his arm. Although he is bleeding, Junaid chases Oleg shouting "I'll get you – that television is mine!" Junaid catches Oleg and they start to fight. Oleg punches Junaid and breaks his nose. Junaid grabs Oleg and pushes him so hard that Oleg's ankle is broken when he falls into a display of televisions. The shop manager, Clive, runs over to help. Junaid thinks Clive is going to attack him and hits Clive in the stomach which causes bruising.

Discuss the criminal liability, if any, of Junaid **and** Oleg. Do not discuss the offence of burglary. [50]

SECTION C

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

- 7 Rashid suffers from diabetes. He has previously had blackouts due to hyperglycaemia and has to take insulin twice a day. He fails to take his insulin for a whole day and during the evening, while driving, he suffers from a blackout. Rashid loses control of the car which mounts a pavement and hits Larissa, a pedestrian. Larissa dies immediately.

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: Rashid will not be convicted of unlawful act manslaughter because he has not caused the death of Larissa.

Statement B: Rashid will gain an acquittal by using the defence of automatism.

Statement C: Rashid will be found not guilty by reason of insanity.

Statement D: Rashid must be hospitalised in a secure institution for the mentally ill if found 'not guilty by reason of insanity.'

[20]

- 8 Candice, aged 21, has an eating disorder, low self esteem and has tried to kill herself twice. Her boyfriend, Jeff, aged 40, knows this and makes her have sex with his friends. Jeff tells Candice to have sex with Derek, aged 65. Candice refuses and grabs a knife. She slashes at her arm and lunges at Jeff. Jeff laughs and tells Candice she is pathetic. Candice stabs Jeff in the stomach and Jeff dies three hours later.

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: Candice will be convicted of attempted murder when she lunges at Jeff.

Statement B: Candice cannot successfully plead provocation because she has not been provoked.

Statement C: Candice cannot successfully plead provocation as Jeff does not die immediately.

Statement D: Candice can successfully plead diminished responsibility as she has an abnormality of mind.

[20]

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