

**ADVANCED GCE****LAW**

Criminal Law

G153

Candidates answer on the Answer Booklet

OCR Supplied Materials:

- 16 page Answer Booklet

Other Materials Required:

None

**Tuesday 2 February 2010
Afternoon****Duration: 2 hours****INSTRUCTIONS TO CANDIDATES**

- Write your name clearly in capital letters, your Centre Number and Candidate Number in the spaces provided in the Answer Booklet.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully and make sure that 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.
- Do **not** write in the bar codes.
- 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 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**.
- 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 and your use of appropriate legal terminology (QWC). These questions are marked with an asterisk (*).
- This document consists of **4** printed 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* *Mens Rea* requires fault on the part of the defendant. The current law on both intention and recklessness is uncertain and unjust.'

Critically evaluate the accuracy of this statement. [50]

- 2* 'The current definition of appropriation does not give effect to Parliament's original intention in the Theft Act 1968.'

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

- 3* 'The defence of intoxication reflects the difficult balance between legal principle and public policy.'

Critically evaluate the accuracy of this statement. [50]

SECTION B

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

- 4* Sarah is walking home when Colin runs towards her waving a knife. Sarah screams. Colin grabs Sarah's coat and then punches her in the face which breaks her nose and causes her to fall to the ground. Gregory, a passer-by, runs to help Sarah. Colin lunges wildly at Gregory with the knife and slashes Gregory's hand, causing severe bleeding. Colin takes aim and kicks Sarah in the stomach, causing serious internal injuries.

Colin runs off. Sarah and Gregory are taken to hospital. Nicola, who is wearing a white coat, tells Gregory he needs stitches. Gregory agrees and Nicola is stitching his hand when Doctor Crowley comes into the room and says to Nicola, "Stop, you're only a student!"

Discuss the potential criminal liability of **both** Colin **and** Nicola, including any relevant defences. [50]

- 5* Anya, 20, lives with her boyfriend Samir, 45. Samir makes Anya have sex with his friends and is violent when drunk. Anya has tried to commit suicide several times and her doctor has prescribed anti-depressants. Samir comes home drunk, hits Anya and tells her she must have sex with three of his friends later. Anya takes an overdose of anti-depressants but is violently sick immediately. Samir laughs at Anya and tells her to be ready to meet his friends in two hours. Anya thinks for an hour and decides she has had enough. Samir has fallen asleep watching television. Anya grabs a heavy lamp and smashes it over Samir's head repeatedly, killing him.

Discuss the criminal liability, if any, of Anya. [50]

- 6* Jin is in a supermarket queue. Jin watches Amy squeeze into the queue ahead of him. Jin is angry and tries to push Amy out of the queue. Amy loses her balance and falls into an elderly couple, Fred and Wanda. Fred has a heart condition and the shock causes him to have a heart attack. Wanda falls; she suffers from brittle bone disease and breaks her hip.

In hospital Fred is put on a life-support machine but dies three hours later. Wanda recovers but before she goes home Doctor Sugar gives her an antibiotic injection. He is busy and does not check whether Wanda has any allergies. Wanda has a massive allergic reaction and dies.

Discuss the criminal liability, if any, of **both** Jin **and** Doctor Sugar for the manslaughter of Fred **and** Wanda. [50]

SECTION C

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

- 7 Elsa decides to steal vodka from a shop. She has a gun in her pocket. Outside the shop she pulls out the gun but changes her mind and returns it to her pocket. Elsa still wants to steal some vodka so she enters the shop but discovers that the shop has no vodka. Angry, Elsa kicks a customer, Reynard, bruising his leg. Elsa runs out of the shop, slamming the glass door so hard it shatters.

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: Elsa commits attempted robbery when she gets the gun out of her pocket.

Statement B: Elsa does not commit section 9(1)(a) burglary when she enters the shop.

Statement C: Elsa commits robbery when she kicks Reynard.

Statement D: Elsa commits section 9(1)(b) burglary when she breaks the shop door.

[20]

- 8 Jerome owns a riverside hotel. Simon, the barman, is told not to serve intoxicated customers. Simon sells lager to Tony who is clearly very drunk. Part of Simon's job is to clean the drains weekly but he often fails to do this. As a result, toxic chemicals build up in the drains and leak into the river, killing fish. Jerome buys meat which a vet has checked. The meat makes the hotel customers ill. Jerome lets a house a mile away to students. The police raid the house and find that the students are growing cannabis plants.

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: Jerome commits a strict liability offence when Simon sells lager to Tony.

Statement B: Jerome does not commit a strict liability offence when the fish die.

Statement C: Jerome commits a strict liability offence as the house where the students are growing cannabis plants belongs to him.

Statement D: Jerome does not commit a strict liability offence when customers are ill after eating meat in his hotel.

[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, is given to all schools that receive assessment material 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.