

Tuesday 31 January 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* 'Those who argue that the *actus reus* of theft is too complicated are quite wrong: the rules are simple, clear and raise no great problems.'

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

- 2* Discuss the extent to which recent reforms to murder in the **Coroners and Justice Act 2009** are a change for the better but have not necessarily satisfied those who campaigned for change. [50]

- 3* 'Criminal liability based on a defendant's omission to act is essential despite creating an uneasy balance between public policy and legal principle.'

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

SECTION B

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

- 4* Flames hockey team are playing Stripes. Ahmed, Flames' star player, sees Bob, Stripes' top goal scorer, running towards him. Ahmed shoots for the goal and deliberately swings his stick to hit Bob in the face, cutting his lip. Ahmed scores and Bob shouts at him, "I'm going to sort you out!" Bob then shoves Ahmed but is pulled away by his teammates. Bob leaves the pitch and is replaced by Craig. Late in the match Stripes are a goal down and Craig is desperate to score. He runs towards the goal but is tackled by Ahmed. Craig is so angry he lashes out with his stick and Ahmed trips. Ahmed falls badly and twists his ankle.

Discuss the potential criminal liability of Ahmed, Bob **and** Craig for non fatal offences against the person, including any relevant defences. [50]

- 5* Klaus and Luke are brothers who run a successful family business. They argue and Luke leaves the business. Luke has financial problems and he asks Klaus for money but Klaus refuses to give him any money. So Luke rings Klaus and says he will tell Klaus's wife about an affair Klaus is having if he does not pay. Klaus is desperate and later that day he buys a knife. Klaus invites Luke to his house and drinks several large whiskies. When Luke arrives they argue and start to fight. Klaus grabs the knife and stabs Luke repeatedly, killing him.

Discuss the potential criminal liability of Klaus for the murder of Luke, including any relevant defences. Do not discuss any defences under the **Coroners and Justice Act 2009**. [50]

- 6* Mandy is texting her boyfriend as she drives to work. Mandy does not see Naomi, a cyclist. Naomi swerves to avoid being hit by Mandy's car but her bike hits the kerb. Naomi falls off and is badly hurt. Mandy loses control of the car and skids across the road narrowly missing Pam, an elderly lady who is waiting for a bus. Naomi is taken to hospital and needs a blood transfusion to save her life. Naomi has a rare blood type but in the rush no one checks this. Naomi is given the wrong blood and dies. Pam is suffering from shock. Two hours later Pam dies of a heart attack.

Discuss the criminal liability, if any, of Mandy for the manslaughter of Naomi **and** Pam. [50]

SECTION C

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

- 7 Natalya is hungry and desperate for money. She goes to her local corner shop with a rucksack containing a knife so that she can scare the shopkeeper into giving her money. Once inside the shop Natalya can smell fresh bread. She eats a bread roll and puts three more rolls and a jar of coffee into her rucksack. The shopkeeper sees Natalya and tries to stop her but Natalya pushes past him and runs off.

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: Natalya is guilty of section 9(1)(a) burglary when entering the shop.

Statement B: Natalya is guilty of theft when she eats the bread roll.

Statement C: Natalya is guilty of robbery when she leaves the shop.

Statement D: Natalya is **not** guilty of section 9(1)(b) burglary inside the shop.

[20]

- 8 Stefan and Theo work together. Stefan knows that his wife, Dorothy, is having an affair with Theo. Stefan buys a knife intending to hurt Theo badly. Stefan hides in Theo's office with the knife for an hour but Theo does not return. Stefan then invites Theo for a drink and as they get into Stefan's car he thrusts the knife at Theo. Theo runs off unharmed. Stefan goes home and stabs wildly at a shape on the sofa, thinking it is his wife. When Stefan puts the light on he sees he has stabbed a pile of cushions.

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: Stefan is guilty of attempted murder when he buys the knife.

Statement B: Stefan is guilty of attempted GBH with intent when he waits in Theo's office.

Statement C: Stefan is guilty of attempted GBH with intent when he thrusts the knife at Theo.

Statement D: Stefan is guilty of attempted murder when he stabs the cushions.

[20]

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