

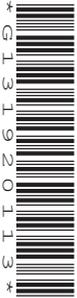
Wednesday 23 January 2013 – Afternoon

A2 GCE LAW

G153/01/1 Criminal Law

INSERT – QUESTION BOOKLET

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

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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 law relating to self-defence meets the needs of the current legal system. **[50]**

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

- 2*** 'The current law on involuntary manslaughter attracts criticism and needs to be reformed urgently.'

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

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

- 3*** 'Strict liability offences are problematic but necessary if the law is to regulate businesses and protect citizens successfully.'

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* Jonty and Patrick are professional jockeys riding in a race in which the prize money is £100 000. Before they get on their horses, Jonty goes up behind Patrick and hits him hard across the back of his head, making Patrick's head bleed. Patrick swears at Jonty and then says, "I'll make you sorry, pal, that prize money is mine!"

At the starting gate Jonty kicks Patrick. This makes Patrick's horse rear up and Patrick is thrown off, spraining his wrist. An official sees what Jonty has done and disqualifies him from the race. Jonty jumps off his horse and runs over to the official, grabs his jacket and says, "If the TV cameras weren't here I'd beat you up!" Jonty runs back to where Patrick is sat on the ground and stamps on Patrick's ankle, breaking it.

Discuss the potential criminal liability of Jonty **and** Patrick for non-fatal offences against the person, including any relevant defences. [50]

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

- 5* Bob is a very wealthy man. His daughter, Tanya, believes that she and her brother, Arthur, will inherit equally Bob's money when he dies. Tanya wants to be an actress and needs money to pay her drama school fees. She makes her father his favourite biscuits and adds a powder which she thinks is poison and will kill him but is, in fact, sugar. Bob eats two biscuits and is unharmed.

A month later Bob dies in a car crash and Arthur inherits everything. Tanya begs Arthur for money but he refuses. A week later, Tanya drinks three large glasses of wine before going to Arthur's house late at night. She puts a lighted newspaper through the letterbox to frighten him. A fire starts and Arthur dies.

Discuss the criminal liability, if any, of Tanya for murder and attempted murder, including any relevant defences. [50]

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

- 6* Carlos and Pierre are teachers with desks next to each other in the staffroom. Carlos needs to staple some exam papers together. He sees Pierre's stapler on his desk, uses it and puts it on his own desk. Later that day, Pierre sees Carlos's jacket on a chair with a £20 note poking out of the pocket. Pierre does not have much money and he takes the £20 note.

Katy, a pupil, looks through the window and sees the exam papers on Carlos's desk. When Katy thinks everyone has gone to class she goes into the staffroom and takes an exam paper from Carlos's desk. She makes a photocopy and puts the exam paper back where she found it. As she leaves, Carlos enters the staffroom. Katy runs past Carlos, shoving him so hard that he is knocked to the ground, bruising his head.

Discuss the criminal liability, if any, of Carlos, Pierre **and** Katy for offences under the **Theft Act 1968**. [50]

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

SECTION C

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

- 7 Sarah, a diabetic, believes her husband, Ricky, is having an affair. Sarah is worried and forgets to take her insulin. She puts a knife and a bottle of whisky in her car and drives to Ricky's office to confront him. Sarah is terrified of spiders and one on the steering wheel makes her swerve. She loses control and knocks over a pedestrian. Sarah drinks half the whisky and stumbles into Ricky's office. Sarah hits Ricky's secretary, who she thinks is an alien. Sarah stabs Ricky before collapsing saying, "Where am I?"

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: Sarah will succeed with a defence of automatism when she is driving the car.

Statement B: Sarah will succeed with a defence of automatism when she knocks over the pedestrian.

Statement C: Sarah will not succeed with a defence of automatism when she hits Ricky's secretary.

Statement D: Sarah will succeed with a defence of insanity when she stabs Ricky.

[20]

- 8 Marianna and Evgeny are students in the same accounting class. Every week Evgeny struggles to get his accounts right and Marianna always laughs at him. Marianna's behaviour makes Evgeny feel so depressed that his doctor sends him for counselling. Evgeny decides to punish Marianna for laughing at him. The next time Evgeny struggles with his accounts Marianna laughs at him again. When the class ends Evgeny grabs Marianna and punches her in the head several times. Marianna dies of a brain haemorrhage (internal bleeding).

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: Evgeny will **not** succeed with the defence of loss of self control because he does not attack Marianna immediately.

Statement B: Evgeny will **not** succeed with a defence of loss of self control because Marianna only laughs at him.

Statement C: Evgeny will succeed with a defence of loss of self control because his actions were understandable for someone in his situation.

Statement D: Evgeny will succeed with the defence of diminished responsibility.

[20]

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