

OCR

Oxford Cambridge and RSA

Monday 15 June 2015 – Morning

A2 GCE LAW

G153/01 Criminal Law

QUESTION PAPER

Candidates answer on the Answer Booklet.

OCR supplied materials:

- 12 page Answer Booklet (OCR12)
(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 front of 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* 'The defence of consent is a necessary but flawed aspect of the law relating to non-fatal offences against the person.'

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

- 2* Discuss the extent to which the lack of *mens rea* in strict liability offences is offset by the level of public protection they provide. [50]

- 3* 'Recent developments in the defences of loss of control and diminished responsibility have achieved the goals envisaged by the **Coroners and Justice Act 2009**.'

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

SECTION B

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

- 4* Imran and Ahmed go into a department store. Imran's mother has given him £50 to buy a new shirt. Instead he uses the money to buy some aftershave. Imran picks up a pair of jeans. He carries them around, hoping to hide them inside his coat, but there are too many security cameras so Imran puts the jeans back. Imran hides a bracelet in his pocket to give to his mother and leaves the store.

Ahmed goes through a door marked 'private' into a storeroom. Ahmed sees some watches on a shelf. He puts one of the watches on his wrist and goes back into the store. As he reaches the door to leave the store, Daley, an assistant tries to stop him as Ahmed has not paid for the watch. Ahmed pushes Daley out of the way and runs off.

Jamal has no money. He decides to go into the department store to steal a pair of designer shoes. Jamal enters the store, but cannot find any shoes he likes and leaves with nothing.

Advise whether Imran, Ahmed **and** Jamal have committed any offences under the **Theft Act 1968**. Do not consider any attempted offences. **[50]**

- 5* Shona, aged 14, lives with her father, Tyrone. Shona's boyfriend, Gary, leaves her for another girl. Shona tells Tyrone that it is his fault. Tyrone is so angry he locks Shona in her room and does not feed her.

Tyrone goes to Gary's house, and beats him up so badly that he thinks he has killed him. Gary recovers.

Tyrone keeps Shona in her room and when she asks for food he refuses. A week later Tyrone discovers that Gary isn't dead. Tyrone breaks into Gary's house in the middle of the night and finds a man asleep face down on the sofa. Tyrone stabs the man several times. The police are called and find the man dead. It is not Gary, but his brother Raymond. The police go to Tyrone's house and they find Shona dead in her room.

Advise whether Tyrone is criminally liable for the attempted murder of Gary **and** the murder of Raymond **and** Shona. Do not discuss any defences. **[50]**

- 6* Colin lives with his wife, Margaret, who is a diabetic. Two days ago she was hit on the head during a hockey match and a doctor told Margaret not to go anywhere alone for a week. Margaret has no milk and Colin is out so she goes to the shop. Margaret puts a pint of milk into her bag and leaves the shop without paying. On the way home Margaret starts to feel dizzy because she has not taken her insulin. She goes into a café and attacks a waiter, causing him serious injuries.

Colin owes £5000 to Bill, a gangster. Bill tells Colin to pay his debt soon or "I'll make it so that Margaret can never play hockey again!" Colin gets a gun from a friend and robs a petrol station of £2000. At home, late at night, Colin hears noises downstairs. He takes the gun and when he sees the shape of a person he fires. Colin shoots Margaret and injures her. Colin says he thought it was Bill.

Advise whether Margaret **and** Colin can raise any **defences** to charges of offences under the **Theft Act 1968** and the **Offences Against the Person Act 1861**. Do **not** consider the offences with which Margaret and Colin are charged. **[50]**

SECTION C

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

- 7 Elliot and Juan are playing a competition golf match. Elliot misses an easy shot and Juan laughs. Elliot goes over to Juan and slaps him across the face. Juan swings a punch at Elliot, hitting Elliot's arm and bruising it badly. Elliot grabs a golf club and hurls it at Juan, cutting his eyebrow so it bleeds. As Elliot is walking away Juan charges at him from behind, knocking Elliot to the ground and breaking his leg.

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. [20]

Statement A: Elliot will be guilty of a battery when he slaps Juan.

Statement B: Juan will **not** be guilty of an offence under section 47 **Offences Against the Person Act 1861** offence when Elliot's arm is bruised badly.

Statement C: Elliot will be guilty of an offence under section 20 **Offences Against the Person Act 1861** offence when Juan's eyebrow is cut.

Statement D: Juan will **not** be guilty of an offence under section 18 **Offences Against the Person Act 1861** offence when Elliot's leg is broken.

- 8 Ben is in a queue. A man squeezes in front of him. Ben pushes the man who then falls into Christine. She drops her baby son, Toby, who lands on his head. Ben drives off in his car. He speeds through a red light, hitting a car driven by Jack. Jack dies immediately. Christine and Toby are taken to hospital. Christine has a life-long heart condition. She has a heart attack and dies. Doctor Brown is sleeping off a hangover and does not examine Toby for six hours. Toby dies of his injuries.

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. [20]

Statement A: Ben will be liable for the subjective reckless manslaughter of Jack.

Statement B: Ben will **not** be liable for the unlawful act manslaughter of Christine.

Statement C: Ben will be liable for the unlawful act manslaughter of Toby.

Statement D: Doctor Brown will **not** be liable for the gross negligence manslaughter of Toby.

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