

OCR

Oxford Cambridge and RSA

Tuesday 21 June 2016 – 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.
- Write your answer to each question on the lined pages in the answer booklet. The question numbers **must** be clearly shown.
- 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** 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 Criminal Attempts Act 1981 makes it difficult to distinguish between a person who is merely preparing to commit a criminal offence and one who has put their plan into effect.'

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

- 2* Discuss the extent to which some elements of the *actus reus* of theft are easier to prove than others. [50]

- 3* 'It is quite right that intoxication, whether voluntary or involuntary, is never available as a defence based on the absence of fault.'

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

SECTION B

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

- 4* Sandra is in a park when she sees her ex-boyfriend's new girlfriend, Talya. Talya smiles sarcastically at Sandra as she walks past. Annoyed, Sandra grabs Talya's hair from behind, which causes Talya to fall backwards onto the concrete path, spraining her wrist. While on the floor, Sandra shouts at Talya and says: "If I wasn't wearing my new trainers, I'd kick your head in!" Talya runs off but Sandra catches up with her and pushes her down some steps. As a result Talya falls on her head and is knocked unconscious for five minutes. While she is unconscious, Sandra kicks her in the mouth. When Talya regains consciousness, she realises that she has lost two of her front teeth. Following these events Talya is so frightened that she is unable to leave her house.

Advise whether Sandra is criminally liable for any non-fatal offences against the person. [50]

- 5* Alexi has been suffering from a severe depressive illness requiring treatment by a doctor ever since his wife, Barbara, divorced him several years ago. As a result of this, he is taking strong medication from his doctor. During this time, Barbara has frequently gone to Alexi's flat to annoy him. One day, Barbara visits Alexi at his flat and demands that he returns her DVDs. Alexi says that he hasn't got them and tells her that he is sick of her always coming around accusing him of things. They begin a heated argument. Barbara decides to leave, but writes in red lipstick: 'Alexi is a liar' on his front door. Enraged, Alexi picks up his cricket bat and hits her over the head, killing her instantly.

Advise whether Alexi is criminally liable for the murder of Barbara. [50]

- 6* One evening, Cyril and his brother Klaus are watching television together. Klaus has fallen asleep in the chair and Cyril goes to bed, leaving Klaus in the living room. Cyril, who has been smoking, doesn't realise that his cigarette is still lit in the ashtray. Soon after he goes to bed the cigarette drops from the ashtray and sets fire to the carpet. When the smoke alarm sounds, Cyril panics, runs out of the house and sits on his wall. After 15 minutes, George, a police officer on patrol, telephones for the fire brigade but gives the wrong address by mistake. Later, Klaus is taken to hospital and put on a life-support machine. The next day Doctor Malik believes, incorrectly, that Klaus is in a Persistent Vegetative State and switches off his life support machine. Klaus dies.

Advise whether Cyril, George **and** Doctor Malik are criminally responsible for the involuntary manslaughter of Klaus. [50]

SECTION C

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

- 7 Kristen has recently been diagnosed with epilepsy and takes medication every morning. One day, Kristen is late for work and forgets to take her medication. Later that evening at her dance class, Roger, Kristen's dance partner accidentally steps on her foot. Kristen is annoyed and punches Roger in the mouth, breaking his jaw. Kristen later claims she cannot remember anything after she arrived at the dance class.

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: Kristen will gain an acquittal by using the defence of automatism.

Statement B: Kristen cannot claim insanity due to her epilepsy.

Statement C: Kristen can claim insanity because she says she cannot remember what happened at the dance class.

Statement D: Kristen will be hospitalised in a secure institution for the mentally disordered if found 'not guilty by reason of insanity'. [20]

- 8 Late one night, Steve decides to steal some cigarettes from a petrol station. He takes a hammer to threaten the cashier. The petrol station is open but when he tries the door, he realises it is locked. The cashier, Jill, is at a serving hatch. Steve walks up to the serving hatch, threatens her with the hammer, and demands she gives him some cigarettes. Frightened, Jill hides and does not give him any cigarettes. In anger, Steve smashes the serving hatch window with the hammer and climbs into the petrol station. He cannot see any cigarettes so he kicks over several shelves. Steve then leaves on Jill's bicycle which is parked outside.

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: Steve has not committed section 9(1)(a) burglary when he tries the door to the petrol station.

Statement B: Steve has committed robbery when he demands some cigarettes from Jill.

Statement C: Steve has committed section 9(1)(b) burglary when he kicks over the shelves.

Statement D: Steve commits robbery when he takes Jill's bicycle. [20]

END OF QUESTION PAPER

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