

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2572

Criminal Law 2

Thursday **19 JANUARY 2006** Morning 1 hour 30 minutes

Additional materials:
16-page Answer Booklet

TIME 1 hour 30 minutes

INSTRUCTIONS TO CANDIDATES

- Write your name, Centre number and candidate number in the spaces provided on the answer booklet.
- Answer **two** questions, one from Section A and one from Section B.
- Read each question carefully and 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.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question.
- The total number of marks for this paper is 100.
- **All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.**

This question paper consists of 2 printed pages.

Answer two questions, one from Section A and one from Section B .

Section A

Answer one question from this Section.

- 1 'Insane and non-insane automatism are similar defences involving mental abnormality. It is vital that the distinction between them is fully understood since they produce very different consequences for a defendant who relies on one or other of them.'

Critically evaluate the truth of the above statement. [50]

- 2 'The justifiable use of force in self-defence depends entirely upon the circumstances in which it is used. Factors such as mistake and intoxication may also be relevant.'

Critically consider the truth of the above statement. [50]

Section B

Answer one question from this Section.

- 3 Butcher is the boss of an organised criminal gang. Butcher knows that Tony, a respected businessman, finances the activities of a rival criminal gang organised by Mad Max. Butcher wants to frighten Max off his 'patch' so he writes to Tony saying that unless Tony sets fire to Max's Ferrari car, he will 'cut up Julie', Tony's girlfriend, and will inform the police about Tony's criminal connections. Butcher encloses a photograph, taken last week, of Julie walking in her local park in order to demonstrate to Tony that the threat to Julie is real.

Tony goes to Ritzzy's nightclub where he knows Max's car is parked. He has just started to pour some petrol on to the bonnet of the car when the car alarm is activated. In a panic, Tony runs away. He throws the can of petrol over a wall where it smashes glass in a greenhouse that was out of sight on the other side of the wall. The paintwork on the car bonnet is undamaged but Max pays a specialist car cleaning service £50 to have it cleaned and re-polished.

Discuss Tony's criminal liability for the above incidents. [50]

- 4 Lizzie goes to her local shop which uses price stickers on most of its goods. She takes a bottle of perfume from a shelf and firstly places it in the trolley provided, intending to find a lower price sticker from another item in the shop. Thinking she is being watched by a store detective, Lizzie puts the bottle of perfume back on the shelf. She does, however, change the price label on an expensive bottle of whisky for one from a much cheaper brand. Confident that the detective is no longer watching, Lizzie returns to the perfumes and puts a bottle of perfume into her coat pocket.

When Lizzie goes to the checkout to pay for the whisky, the cashier, Adrian, notices that the price is incorrect. After a brief argument, Lizzie pays the amount on the original label. Adrian then notices the bottle of perfume sticking out of Lizzie's pocket. He challenges her about it. Lizzie runs out of the shop knocking over an elderly woman customer, Gladys, who is shaken but otherwise unhurt.

Discuss the liability of Lizzie for the above incidents. [50]