

**ADVANCED GCE UNIT**

**2572**

**LAW**

Criminal Law 2

**MONDAY 18 JUNE 2007**

Afternoon

Time: 1 hour 30 minutes

Additional materials: Answer Booklet (16 pages)



**INSTRUCTIONS TO CANDIDATES**

- Write your name, Centre number and candidate number in the spaces on the answer booklet.
- Write your answers, in blue or black ink, in the answer booklet provided.
- 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 document 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 'Duress by threats is an important defence. It makes concessions to human frailty but it must not become an excuse for criminals, gang leaders and terrorists.'

Discuss whether the limitations which the courts have placed on the availability of the defence of duress by threats support the above statement. [50]

- 2 'Despite the development of the defence of automatism, a mentally disordered defendant is not always dealt with justly under English law.'

Consider the extent to which you agree with the above statement. [50]

### Section B

Answer **one** question from this section.

- 3 Shane has been drinking heavily all evening and returns to what he believes is his own house. It is, in fact, an identical looking house a few doors down the road whose owner is away. When the key fails to open the door he finds a small window. He breaks the glass and lets himself in. Only then does he realise, in the dark, that he is in the wrong house. Whilst trying to find the light switch he knocks over an expensive piece of pottery which shatters on the floor.

Having switched on the light, he notices an umbrella in the hallway and takes it because it has started to pour with rain. Shane leaves and makes his way back to his own house.

Discuss Shane's criminal liability. [50]

- 4 Ian is at a party and is very drunk. He picks up a glass of beer and tries to throw the contents over Jiao, his former girlfriend. The glass slips from his hand as he is throwing it and it strikes Jiao, cutting her cheek. Jiao's new boyfriend, Kapil, calls Ian a 'drunken idiot'. Angered by this, Ian lurches at Kapil but stumbles over a chair breaking one of the chair legs. He picks up the broken leg and, believing Kapil is about to punch him, tries to hit Kapil over the head with it but only succeeds in hitting Jiao. Jiao is taken to hospital where x-rays reveal she has a fractured skull.

Discuss Ian's potential criminal liability including any defences he may have available to him. [50]