

ADVANCED GCE

LAW

Criminal Law

G153

Candidates answer on the answer booklet.

OCR supplied materials:

- 16 page answer booklet
(sent with general stationery)

Other materials required:

None

Wednesday 22 June 2011

Morning

Duration: 2 hours



MODIFIED LANGUAGE

INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the spaces provided on the answer booklet. Please write clearly and in capital letters.
- Use black ink. 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.
- 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.
- 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.
- Do **not** write in the bar codes.

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.

Answer **three** questions.

Answer **one** from Section A, **one** from Section B and **one** 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 role of causation in the *actus reus* of a crime is fundamental in establishing criminal liability, but it does have problems.'

Discuss the accuracy of this statement. **[50]**

- 2*** 'The defence of consent struggles to balance the needs of the individual with the constraints necessary in a modern society.'

Discuss this view of the defence of consent. **[50]**

- 3*** Discuss the current role of strict liability offences in the English legal system. **[50]**

SECTION B

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

- 4* Millie and Carl join an on-line dating agency. They chat, meet after two weeks and marry six weeks later. On their wedding night Carl gets drunk and hits Millie. Carl apologises. Carl is often romantic but gets violent when he has been drinking. On their wedding anniversary Carl and Millie drink a bottle of wine. Carl calls Millie “a useless bitch” and smashes the empty bottle over her head. Eventually Millie goes to the doctor who gives her anti-depressants. She starts taking the anti-depressants. A month later, Carl punches Millie again and goes to bed. After an hour, Millie hears Carl snoring. She stabs him with a kitchen knife, killing him immediately. Millie dials 999. When the ambulance arrives she is holding Carl sobbing, “I love you”.

Discuss the criminal liability, if any, of Millie.

[50]

- 5* Yoshi is on his first visit to England. At the airport Yoshi gets into Brad’s minicab to go to a hotel. Yoshi’s friend has said the fare will cost about £10, but Brad says it is £20. Yoshi is surprised, he holds out some money and Brad takes £50. Later Brad buys a cup of coffee from a stall. Brad pays for the coffee with a £10 note but he is given change for a £20 note. Brad notices but he says nothing. Brad’s wife has given him £50 for groceries but he spends £40 on a new shirt. Yoshi goes shopping for socks. He hides two pairs of socks in his pocket but feels guilty, and pays for one pair at the checkout.

Discuss the criminal liability, if any, of Brad **and** Yoshi for theft.

[50]

- 6* Hamish and Gregor share a bottle of vodka in a park. They are very noisy and the park keeper, Jack, approaches to tell them to be quiet. Hamish thinks Jack is going to attack him so he pushes Jack hard. Jack has a weak heart and an hour later he dies of a heart attack. Gregor is on antibiotics and feeling very ill. He collapses and Hamish dials 999. Gregor is taken to hospital. Doctor Brown examines Gregor. He says Gregor is just drunk and needs to sleep it off. The combined effects of the vodka and the antibiotics send Gregor into a coma. Six months later Gregor’s life support machine is turned off and he dies.

Discuss the criminal liability, if any, of Hamish for the death of Jack **and** Doctor Brown for the death of Gregor. Do not discuss the issue of causation in detail.

[50]

SECTION C

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

- 7 Sergei is driving his car at speed. Dasha, a pedestrian, has to leap out of Sergei's way and she falls over, suffering cuts and bruises. Adrian, a passer by, helps Dasha to her feet. Dasha's boyfriend, Miroslav, sees Dasha fall. Miroslav runs over and shouts at Adrian "Let her go or die!". Miroslav drags Sergei from the car and kicks him repeatedly, breaking three of Sergei's ribs.

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: Sergei will be liable for a section 20 OAPA 1861 offence.

Statement B: Sergei will be liable for a section 47 OAPA 1861 offence.

Statement C: Miroslav will not be guilty of an assault on Adrian.

Statement D: Miroslav will be liable for a section 18 OAPA 1861 offence.

[20]

- 8 Graham has left his wife, Sophie. He has gone to live with Pauline. Sophie goes to Pauline's house with a knife to kill Graham, but he is out so she leaves. Later that night Sophie returns to Pauline's house and climbs in through an open window. She intends to frighten Graham. Once inside the house Sophie decides to start a fire, but Pauline comes in. Sophie grabs Pauline and takes the expensive watch she is wearing. Sophie runs away, dropping the watch.

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: Sophie will be liable for burglary under section 9(1)(a) Theft Act 1968.

Statement B: Sophie will be liable for the attempted murder of Graham.

Statement C: Sophie will be liable for robbery under section 8 Theft Act 1968.

Statement D: Sophie will not be liable for burglary under section 9(1)(b) Theft Act 1968.

[20]

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