

484/02

LAW – LW4

OPTION 02 – CRIMINAL LAW AND JUSTICE

P.M. MONDAY, 18 June 2007

(1½ Hours)

ADDITIONAL MATERIALS:

In addition to this examination paper, you will need a 12 page answer book.

Instructions to candidates

- Candidates are required to answer **two** out of **four** questions.

Information for candidates

- Each question carries 25 marks.
- Candidates are reminded of the need for good English and clear presentation. All questions should be answered in continuous prose. The quality of written communication will be assessed in all answers.
- Reading time has been allowed for in the question time allowance.

Option 02 Criminal Law and Justice

Answer **two** out of the **four** questions.

Read all sources carefully before answering the questions based upon them.

1. Charlie became very depressed after his girlfriend, Ruby, ended their relationship and married David. He wrote dozens of letters to Ruby, begging her to leave David and come back to him. Eventually, David went to see Charlie at his flat, and told him that this behaviour would have to stop. Charlie was overcome by a jealous rage and struck David on the head with a coffee pot. The blow fractured David's skull, which was abnormally thin. Charlie immediately summoned an ambulance, and David was taken to hospital. By the time the ambulance arrived at the hospital, David's heart had stopped beating and he was no longer breathing. David was rushed to the intensive care unit and placed on a life-support system. The doctors told Ruby that even if David survived he would be irreversibly brain-damaged. Ruby wanted to let David die with dignity, so while the doctors were out of the room, she disconnected the machines that were keeping him alive.

Consider whether Charlie and Ruby may be criminally liable for David's death. [25]

2. Tina, Jethro and Kelly were walking home from the pub late at night, rather drunk, when they came across an abandoned supermarket trolley. Tina jumped in, and Jethro and Kelly began to push the trolley around in circles, laughing and shouting loudly. A woman in a nearby house put her head out of an upstairs window and told them to be quiet. Tina shouted back at the woman: "Shut your mouth, or I'll come up there and poke your eyes out." Kelly and Jethro then carried on walking along the street, still pushing the trolley with Tina in it. Minutes later a police car came down the street towards them and braked to a halt. Two police officers, PC Webb and PC Cobb, got out. Jethro ran off, but PC Webb caught up with him and grabbed him by the shoulder. In his drunken state, Jethro thought that PC Webb was attacking him, and punched the officer in the face, cutting his lip. Meanwhile, Kelly tried to stop PC Cobb from arresting her by charging at him with the trolley. The trolley spun out of control, and struck the edge of the pavement. Tina was thrown out of the trolley by the impact, and suffered serious injuries to her spine.

Consider whether Tina, Jethro and Kelly may have committed any offences, taking account of any defences which may be available to them. [25]

3. A group of primary school children went on a trip to visit an underground cave with their teachers, Daniel and Arlene. Access to the cave was by way of a rope ladder hanging down a vertical shaft. An experienced cave guide, Martin, was placed in charge of the group. While the group was in the cave, a sudden thunderstorm caused the water level within the cave to rise very rapidly. Martin ordered everyone to leave the cave, and began to lead the children up the rope ladder to safety, with Daniel and Arlene bringing up the rear. Half way up the shaft, Martin experienced severe chest pains, and was unable to climb any further. Daniel climbed up the shaft to assist Martin, but by this time Martin was beginning to lose consciousness, and all Daniel could do was hold on to him to stop him falling. With Martin and Daniel blocking the shaft, Arlene and the children were unable to get out. Arlene shouted up to Daniel that he would have to let Martin fall. When Daniel refused, Arlene shouted up again: "Daniel, the kids are going to drown. If you won't do as I say, I'm going to climb up and push both of you off the ladder." Convinced that Arlene would carry out her threat, Daniel let go of Martin, who fell to his death. Arlene, Daniel and the children were all saved.

Consider whether Daniel could plead duress or necessity as a defence if he were to be charged with the murder of Martin. [25]

4. Santino came to Britain on a visit to improve his English. During a sight-seeing walk around London, Santino put down his backpack to take some photographs. Another tourist, Pablo, picked up Santino's backpack in mistake for his own. Minutes later Santino was stopped in the street by PC Smart, who was accompanied by a very agitated Pablo. Santino and Pablo exchanged backpacks, and PC Smart advised them to check the contents to make sure nothing had been lost. Pablo announced that five hundred pounds was missing from his pack. PC Smart searched Santino and found over a thousand pounds in his money clip, so he told Santino that he would have to go with him to the police station. Santino went willingly, unaware that he was under arrest. Santino was taken directly to an interview room, where the police took his fingerprints and a sample of his DNA. He was then questioned for six hours before being placed in a cell. After sitting in the cell for eighteen hours, Santino grew anxious about the time it was taking to sort out the mix-up. PC Smart told him that if he signed a statement, he would be allowed to leave. Santino obediently signed the statement, not realising that it was a confession admitting that he had stolen Pablo's money.

(a) Consider the legality of the actions of the police, [14]

and

(b) Consider whether Santino's confession would be admissible in court. [11]