



GCE A level

1253/02

LAW – LA3

**UNIT 3: UNDERSTANDING SUBSTANTIVE LAW:
FREEDOM, THE STATE AND THE INDIVIDUAL
OPTION 2: CRIMINAL LAW AND JUSTICE**

A.M. WEDNESDAY, 22 June 2011

1½ hours

ADDITIONAL MATERIALS

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

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Candidates are required to answer **two** questions.

INFORMATION FOR CANDIDATES

Each question carries 25 marks.

The number of marks is given in brackets at the end of each question or part-question.

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.

You are reminded of the importance of including knowledge from all areas of the course where appropriate including the Legal System of England and Wales. Part (b) of each question will test understanding of the connections between the different elements of the subject.

Option 2: Criminal Law and Justice

Answer two questions.

1. Study the text below and answer the questions based on it.

David decided to join an anti-war protest march. As the march made its way through the town centre, David carried a banner and shouted anti-war slogans. PC Sunhill noticed David and concluded that he was a trouble-maker. PC Sunhill demanded that David empty his pockets, to which David reluctantly agreed. On finding that David's pockets were empty apart from some change, PC Sunhill instructed David to remove his hat and take off his shoes. David refused, so PC Sunhill forcibly ripped David's hat off his head. David complained loudly to PC Sunhill, who decided that he did not like David's attitude. PC Sunhill pushed David into the back of the police car and drove him to the police station for questioning.

- (a) In the light of reported case law and other sources of law, consider the legality of the actions of the police. [14]
- (b) Explain the importance of the Rule of Law in the criminal justice system. [11]

2. Study the text below and answer the questions based on it.

Late one evening, Debbie went to the lane at the back of some houses and climbed up a drainpipe, intending to enter what she thought was her boyfriend's bedroom window, and climbed in. Unfortunately, she had chosen the wrong house, and had entered the bedroom of her boyfriend's next door neighbour, George, who was asleep in bed. George woke up and began screaming. Debbie panicked and put her hand over George's mouth, which caused George to faint with fright. Debbie was convinced that she had accidentally killed him, and decided to dispose of his body. She managed to drag George out to her car, drove to a nearby river, and threw him in. The shock of the cold water caused George to regain consciousness, and he began to swim. However, a passing boat under the command of its drunken captain, James, hit George and knocked him unconscious again. George drowned. Debbie was later arrested in connection with the death of George.

- (a) In the light of reported case law and other sources of law, consider whether Debbie may be criminally liable for George's death. [14]
- (b) Explain the powers of the police to grant bail. [11]

3. Study the text below and answer the questions based on it.

Oscar was arrested for aggravated burglary and taken to his local police station, which was short-staffed due to a flu epidemic. There was no-one available to act as a custody officer, and no custody record was opened for him. Oscar asked to speak to his lawyer, but was told by his arresting officer that he did not have the time to ring him. Oscar's request to have his wife informed was also turned down. Oscar was placed in a cell without food and water, and left there for 37 hours before being collected for interview. On his way to the interview room he began to feel sick, and asked to see a doctor and a lawyer. The interviewing officer agreed, on condition that Oscar admit the offence. Oscar reluctantly agreed to sign a confession. Shortly after this, Harold, a duty solicitor, arrived to advise Oscar.

- (a) In the light of reported case law and other sources of law, consider whether Oscar's rights as a detainee were respected during his time in police custody. [14]
- (b) Describe the sources of legal advice and assistance that may be available to Oscar. [11]

4. Study the text below and answer the questions based on it.

Abdul lives on the third floor of a block of flats. He was cooking his evening meal when the frying pan caught fire. Abdul was unable to put out the flames, so in desperation he threw the blazing frying pan out of the window. The frying pan struck Deirdre, who was walking along the street with her husband, Ken. Deirdre suffered a fractured skull and severe burns to her face. Ken fainted from shock. Hearing Deirdre's screams, Abdul rushed downstairs and performed first aid on them both while waiting for an ambulance to arrive. Ken regained consciousness while Deirdre was being placed in the ambulance. Dazed and confused, he aimed a punch at Abdul, but missed and hit Steve, a paramedic, giving him a black eye.

- (a) In the light of reported case law and other sources of law, consider whether Abdul and Ken may have committed any offences, taking account of any defences which may be available to them. [14]
- (b) Explain how a jury would be selected if Abdul were to be tried in the Crown Court. [11]