



GCE A level

1253/02

LAW – LA3

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

P.M. FRIDAY, 15 June 2012

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.

UNIT 3: UNDERSTANDING SUBSTANTIVE LAW

OPTION 2: CRIMINAL LAW AND JUSTICE

Answer two questions.

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

Duncan planned to kill his wife, Leah, and make it look as though she had died in a car accident. Duncan mixed some of his own sleeping tablets into Leah's coffee, not realising that they were too weak to kill. Leah drank the coffee and became deeply unconscious. Thinking that he had killed her, Duncan put Leah in the family car and drove to a lonely spot in the countryside. He put Leah in the driver's seat, and pushed the car off the road. The car rolled down the hillside and flattened a tent belonging to Noel, a camper. Noel was killed, but Leah was thrown clear and was later rescued, still alive, by the emergency services. When Duncan arrived home, he received an unwelcome phone call from the hospital, telling him that his wife was on a life support machine. Duncan rushed to the hospital, disconnected the life support machine and left the hospital.

- (a) In the light of reported case law and other sources of law, consider whether Duncan would be criminally liable for the deaths of Noel and Leah. [14]
- (b) Explain how a jury would be selected if Duncan is tried in the Crown Court. [11]

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

An elderly lady, Myra, went into a fast-food restaurant and bought herself a cardboard cup full of hot coffee. The restaurant was crowded, and the only seat that Myra could find was a high stool close to the counter where a queue of young people was waiting to be served. Tyrone and Percy were in the queue, both very drunk and arguing over which football team was the best. The argument became heated, and Percy punched Tyrone, causing him to stumble against Myra and knock her off her stool. Myra fell to the floor, cutting her head on the edge of the table. The coffee cup flew out of Myra's hand and splashed hot coffee over a waitress, Sally, who received a nasty scald. Customers began screaming, and PC Mac came into the restaurant to find out what the commotion was about. Sally pointed at Tyrone and shouted, "He's killed that old lady!" Tyrone panicked and ran for the exit. PC Mac tried to grab him, but Tyrone punched him in the stomach, causing him serious internal injuries.

- (a) In the light of reported case law and other sources of law, consider whether Percy and Tyrone could be liable for any criminal offence. [14]
- (b) Explain what sources of legal advice and funding may be available to Percy and Tyrone. [11]

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

Ten-year-old Noah's mother told his grandmother to stop giving Noah money to buy toys and sweets. The next day Noah's grandmother gave him a £20 note, but made him promise not to tell anyone who had given it to him. On his way to the shops, Noah met his best friend Kyle, and showed him the £20 note. They were seen by PC Walnutt, who was immediately suspicious and demanded to know where Noah had got so much money. Remembering his promise to his grandmother, Noah refused to tell him, so PC Walnutt took both boys to the police station and questioned them separately. It was soon clear that Kyle knew nothing about the £20 note, so PC Walnutt let him go. However, when PC Walnutt came to question Noah, he told Noah that Kyle would be in serious trouble unless Noah confessed to stealing the £20 note. Noah became very upset, and signed a statement admitting that he had stolen the £20 note. Noah was then told that he would have to go to court and admit to the theft in front of the magistrates.

- (a) In the light of reported case law and other sources of law, consider whether Noah's confession would be admissible in court. [14]
- (b) Explain how magistrates are selected. [11]

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

Harry works as a cashier in an all-night garage. One evening while Harry was helping a heavily pregnant customer put air in her tyres, a battered Landrover pulled up on the forecourt. Harry recognised the driver as Evan, a local farmer who has recently gone bankrupt and was known to be mentally unstable. As Evan got out of the Landrover, Harry saw that he was carrying a shotgun. Evan pointed the shotgun at Harry's customer and said to Harry: "I want everything you've got in the till. Otherwise this lady and her baby are going to die." Believing that Evan was insane enough to carry out that threat, Harry unlocked the till and gave Evan the money. Instead of leaving with the cash, Evan said: "Now I'm going to shoot the lady. And then I'm going to shoot you." At this, Harry lunged at Evan, wrestled the shotgun from Evan's grasp, and shot him dead.

- (a) In the light of reported case law and other sources of law, consider whether Harry would have any defence if he were to be charged with murder. [14]
- (b) Explain the tests which would be used by the Crown Prosecution Service when deciding whether or not to prosecute Harry. [11]