



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, 25 January 2012

1½ hours

ADDITIONAL MATERIALS

In addition to this examination paper, you will need a 20 page answer book.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen. Do not use gel pen or correction fluid.

Answer **two** questions.

Write your answers in the separate answer book provided.

Use both sides of the paper. Write only within the white areas of the book.

Write the question number in the two boxes in the left hand margin at the start of each answer.
Leave at least two line spaces between each answer.

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.



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Option 2: Criminal law and Justice

Answer two questions.

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

Archie and Sam went to a night club together. After a few drinks, they began to argue, and Archie punched Sam on the jaw. Sam fell and banged his head on a table. The doorman, Ronald, physically threw them both out into the street, causing Sam to fall over and bang his head for a second time. By now Sam was barely conscious, so Archie hailed a passing taxi and took Sam to the accident and emergency department of the nearest hospital. Sam was examined by Charlie, a young and inexperienced doctor. Charlie sent Sam for an x-ray, but did not think it necessary to order a brain scan. The x-ray looked normal, so Charlie told Sam he could go home. In fact Sam had suffered a serious brain injury which did not show up on the x-ray, but which could have been diagnosed and treated if Charlie had ordered a brain scan. Sam died a few days later.

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- In the light of reported case law and other sources of law, consider whether Archie may be criminally liable for Sam's death. [14]
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| 1 | 2 |
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- Explain what sources of legal advice, assistance and funding may be available to Archie if he is prosecuted in the Crown Court. [11]

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

Police Constable Crusty was on foot patrol when he saw twelve-year-old Jack take a hot dog from a street stall and eat it without having paid for it. Deciding to give the boy a fright, PC Crusty grabbed Jack by the shoulder and forcibly searched him, then marched him to the nearby police station. The custody officer happened to be elsewhere in the building, so PC Crusty put Jack into a cell. By the time the custody officer returned, PC Crusty had been sent out on another assignment, and Jack had hidden himself under the bed, out of view of the CCTV camera in his cell. Jack fell asleep, and was not discovered until the next morning, by which time he had spent sixteen hours in the cell. Jack explained that he had been arrested for stealing a hot dog, so the custody officer granted him bail and sent him home in a police car.

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- In the light of reported case law and other sources of law, consider the legality of the actions of the police. [14]
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- Explain the powers of the police to grant bail. [11]



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

Becky and Roz were contestants on the popular live television game show, Absolute Freak-Out, in which the contestants tried to complete a series of challenges while the other contestants attempted to stop them. Becky's boyfriend, Joel, and Roz's mother, Gill, were both in the studio audience, cheering them on. The first challenge was a spacehopper race, which Becky won easily. The next challenge was to walk across a tightrope stretched above a vat of yoghurt. As Roz was inching her way across the rope, Becky threw a handful of yoghurt at her. Roz lost her concentration and tumbled into the vat. When Becky's turn came, Roz picked up a spacehopper and hurled it at Becky's face, knocking her off the tightrope. The laughter of the audience died away as it was realized that Becky had suffered serious injuries to her face. Joel jumped up and shouted at Roz, "I'll get you for this!" Thinking that Joel meant to attack Roz, Gill knocked him unconscious with her handbag.

3	1	In the light of reported case law and other sources of law, consider whether Becky, Roz, Joel and Gill may be liable for any offence, taking account of any defences which may be available to them. [14]
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3	2	Explain the process of appeal from the magistrates' court. [11]
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4. Study the text below and answer the questions based on it.

Henry was very anxious about his forthcoming A level law examination, so his doctor prescribed some tablets to help him cope. During the examination Henry grew increasingly agitated, and became convinced that the candidate sitting behind him, Sonia, was sending him messages that were interfering with his brain. Henry suddenly turned round and slapped Sonia hard across the face. When one of the invigilators, Oliver, tried to restrain him, Henry stabbed Oliver in the eye with his ball-point pen, as a result of which Oliver lost his sight. Afterwards, Henry was unable to remember anything about the incident. It later turned out that Henry was suffering from a previously undiagnosed brain tumour, and that it was the combination of this condition, together with the tablets which had caused him to become violent.

4	1	In the light of reported case law and other sources of law, consider whether Henry would have any defence if he were prosecuted for his attacks upon Sonia and Oliver. [14]
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4	2	Explain the tests which would be used by the Crown Prosecution Service when deciding whether Henry should be prosecuted. [11]
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