



**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. THURSDAY, 6 June 2013

1½ hours

### **ADDITIONAL MATERIALS**

You will need a WJEC 20-page answer booklet (pink), which has been specifically designed for this examination paper. No other style of answer booklet should be used. Should you run out of space, use a standard 4 page continuation booklet.

### **INSTRUCTIONS TO CANDIDATES**

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

## Option 2: Criminal law and Justice

*Answer two questions.*

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

Amy quarrelled with her fiancé, Ted, and moved out of the house they shared together. The next day Amy realised that she had left some of her clothes and perfume in the house, and went back to collect them, using her own key to gain access. In the bedroom she found her best friend Louise, wearing Amy's bathrobe and smelling of Amy's perfume. Amy lost her temper and punched Louise, knocking her unconscious. Thinking she had killed her, Amy hauled Louise into the bath and turned on the taps, hoping to make it look as though Louise had slipped and drowned while taking a bath. After Amy had gone, the cold water revived Louise. She managed to climb out of the bath, but then tripped on the hem of the bathrobe and fell down the stairs. When Ted came home, he found Louise in the hall, unable to move because of a broken leg. Ted immediately drove Louise to the hospital, where she was examined by Philip, a junior doctor. Philip treated Louise's broken leg, but failed to realise that she was in danger of developing pneumonia due to lying on the floor for hours in the cold wet bathrobe. Louise's condition worsened, and she died.

- 1 1** In the light of reported case law and other sources of law, consider whether Amy may be criminally liable for the death of Louise. [14]
- 1 2** Explain what legal assistance and financial support may be available to Amy if she is tried in the Crown Court. [11]

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

Merlin was sitting on the balcony of his third-floor flat, enjoying the view over a nearby lake, when a duck suddenly crashed onto the balcony of the flat occupied by his next door neighbours, Sally and Arthur. Concerned for the duck's welfare, Merlin climbed over the railing which separated the two balconies, and picked it up. Sally glanced out of her window and suffered a terrible fright at the sight of Merlin on her balcony holding a duck. Arthur ran onto the balcony and confronted Merlin, calling him a Peeping Tom. In an attempt to explain, Merlin held out the duck for Arthur to see it. The duck, now fully recovered, lunged forward and bit off the tip of Arthur's finger before flying away. Enraged and in pain, Arthur rushed at Merlin, uttering threats. Merlin panicked and jumped off the balcony, suffering serious internal injuries when he landed on the ground below.

- 2 1** In the light of reported case law and other sources of law, consider whether any criminal offences may have been committed by Merlin and Arthur, taking account of any defences which may be available to them. [14]
- 2 2** Explain the process of appeal from the magistrates' court. [11]

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

A disturbance occurred among a group of boys outside a supermarket. PC Keen examined the supermarket's own CCTV images of the disturbance, which were of very poor quality, and thought that one of the boys might be 14-year-old Percy, whose older brother had a conviction for violence. PC Keen went to Percy's house and found Percy in the front garden helping his mother to sweep the path. PC Keen searched Percy, and then told him that he was being arrested for questioning. Percy's mother asked if she could accompany Percy to the police station, but was told that parents were not allowed to be present during questioning. At the police station, Percy was taken directly to an interview room and questioned about the identity of the other boys. Percy claimed that he had not been involved in the disturbance and had no idea who the other boys might be. After eight hours of persistent questioning, Percy was placed in a cell and left there for another sixteen hours. At the end of that time, Percy was charged with a minor public order offence and granted bail.

- 3****1** In the light of reported case law and other sources of law, consider the legality of the actions of the police. [14]
- 3****2** Explain the powers of the police to grant bail after charge. [11]

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

For over thirty years, David worked on his father's farm. As his father grew older and more feeble, David took on the responsibility of caring for him as well. Over recent weeks, Dr. Goodman, the family GP, had noticed that David seemed increasingly withdrawn and complained of frequent headaches. Dr. Goodman formed the opinion that David was suffering from depression. He also suspected that David might be showing symptoms of an incurable brain disease. He therefore arranged for David to have certain tests carried out, to establish whether David's mental functioning was becoming impaired. However, before this could be done, David was arrested for the murder of his father. The explanation which David gave for his actions was that his father always said, when he wanted to go to bed, "It's time to sleep now". On the night of his father's death, David had put his father to bed as usual and watched him fall asleep. But later in the night he kept hearing his father's voice in his head, saying over and over again, "It's time to sleep now". Believing that his father was still awake and talking to him, David had gently placed a pillow over his father's face to help him fall asleep.

- 4****1** In the light of reported case law and other sources of law, consider whether David may have defences to a charge of murder. [14]
- 4****2** Explain what tests the Crown Prosecution Service would apply in deciding whether or not to prosecute David. [11]