



**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, 12 June 2014

1 hour 30 minutes

### **ADDITIONAL MATERIALS**

In addition to this examination paper, 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. 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.

Jason was driving along a motorway when he was suddenly forced to swerve on to the hard shoulder to avoid being hit by a van which was being driven by Brian. Furious, Jason chased after the van and rammed it from behind. The impact of the collision caused Brian to lose control of the van and crash into the concrete pillar of a motorway bridge, suffering serious injuries to his head and chest. The emergency services quickly arrived on the scene, and the air ambulance was summoned to take Brian to hospital by helicopter. Brian was placed in the helicopter under the care of Amy, a paramedic, who administered oxygen to him throughout the flight. However, as the helicopter was coming in to land, Brian's condition began to deteriorate sharply. Amy panicked, and increased the amount of oxygen that Brian was receiving. This was the wrong thing to do under the circumstances, and Brian later died from a combination of the injuries sustained in the accident and the excessive level of oxygen in his brain.

1 1 In the light of reported case law and other sources of law, consider whether Jason might be criminally liable for the death of Brian. [14]

1 2 Explain the process of selecting a jury in the crown court. [11]

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

Tyrone and Percy went to the cinema with Percy's new girlfriend, Natasha. They bought hot dogs and fizzy drinks to enjoy while watching the film. Percy wanted to be alone with Natasha, so he asked Tyrone to sit somewhere else. Tyrone obligingly found himself a seat a few rows behind Percy and Natasha, but after the lights had gone down he crept gradually forward again, until he was sitting directly behind them. Tyrone waited until Percy and Natasha were absorbed in watching the film, and then stealthily removed the sausage from his hot dog and pushed it down the neck of Natasha's teeshirt. Natasha let out a scream, which brought one of the security guards, Austin, running to her aid. Thinking that Percy had assaulted Natasha, Austin dragged Percy from his seat and started punching him in the face, breaking his nose. Horrified at the consequences of his prank, Tyrone flung his arms around Austin's neck and attempted to pull him away from Percy. In doing so, he applied more pressure than he intended. Austin was unable to breathe, and suffered brain damage.

2 1 In the light of reported case law and other sources of law, consider whether Austin and Tyrone may have committed any criminal offences. [14]

2 2 Explain the appeals process from the magistrates' court. [11]

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

Tom's brother was arrested on suspicion of burglary. Next day, Tom was stopped in the street by PC Nabb, who forcibly searched him and then told him that he was under arrest. When Tom asked why, PC Nabb told him that the police had the right to arrest him in order to question him about his brother's activities. Tom was taken to the police station and placed in a cell. Tom asked to be allowed to contact his family and speak to a solicitor, but these requests were refused. After fifteen hours in the cell, Tom was taken to be questioned by detectives. Throughout the interview, which lasted ten hours, Tom was not allowed to sit down and was refused food and water. At the end of that time the police accepted that Tom had no useful information to tell them, and released him on bail pending further enquiries.

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 what powers the police have to grant bail. [11]

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

Nelly was in the final year of her college course in hairdressing and beauty. With exams looming, Nelly was anxious for an opportunity to practice her techniques. Nelly's older sister, Bella, worked at a beauty clinic, and she offered to smuggle Nelly into the clinic, lend her a uniform and introduce her to clients as a trainee working under Bella's supervision. All went well until one of the clients, Jenna, asked Nelly to perform a common but notoriously painful procedure using hot wax to remove unwanted body hair. Nelly inadvertently overheated the wax, with the consequence that she caused a severe burn to Jenna's leg which needed to be treated in hospital.

4 1 In the light of reported case law and other sources of law, consider whether Nelly could rely on the defence of consent if she were to be prosecuted for causing physical injury to Jenna. [14]

4 2 Explain how the Crown Prosecution Service decides whether to bring a prosecution. [11]

**END OF PAPER**