

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2572

Criminal Law 2

Wednesday **19 JANUARY 2005** Morning 1 hour 30 minutes

Additional materials:
16-page Answer Booklet

TIME 1 hour 30 minutes

INSTRUCTIONS TO CANDIDATES

- Write your name, Centre number and candidate number in the spaces provided on the answer paper/answer booklet.
- Answer **two** questions, one from Section A and one from Section B.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- If you use additional sheets of paper, fasten these securely to the answer booklet.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is 100.
- **All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.**

This question paper consists of 2 printed pages.

Answer two questions, one from Section A and one from Section B .

Section A

Answer one question from this Section.

- 1 'Despite some procedural reforms, the law relating to the defence of insanity remains in an unsatisfactory state.'

Critically consider the accuracy of this statement. [50]

- 2 'The relationship between dishonesty and appropriation in the offence of theft has been clearly established by statute and case law. Their meaning is now settled and free from uncertainty.'

Assess the truth of this statement. [50]

Section B

Answer one question from this Section.

- 3 Mark calls into a pub on his way home from work. There he consumes several pints of strong beer. He is joined at the bar by Trevor who is well known for his aggressive nature. Trevor is rude to Mark suggesting that Mark doesn't know how to hold his drink. Mark reacts angrily by shouting at Trevor and pushing him in the chest. Trevor raises his arms in a gesture of innocence but Mark thinks Trevor is about to hit him, so he punches Trevor in the face, breaking Trevor's glasses and causing Trevor's nose to bleed. Trevor then grabs Mark's arm so Mark takes his beer glass and thrusts it into Trevor's face cutting Trevor's cheek.

Discuss Mark's criminal liability including any defences that may be available to him. [50]

- 4 Jennifer owes a lot of money. One night she notices that the house next door, which belongs to Sharma, is in darkness. Jennifer thinks that Sharma is out so she goes next door and breaks a small window pane at the back of the house, intending to steal anything of value which she may find inside. Jennifer opens the window and goes inside. Sharma was asleep in her front room and wakes up when she hears the noise of breaking glass and goes to investigate.

Jennifer picks up a £20 note that is lying on the kitchen table and puts it in her pocket. She is just opening a bag belonging to Sharma when Sharma enters the kitchen. In a panic Jennifer drops the bag and violently pushes Sharma to the floor breaking Sharma's arm. Jennifer then runs out of the house empty-handed hoping that Sharma has not recognised her. In fact, Sharma sees that it is Jennifer.

Discuss Jennifer's criminal liability. [50]