

**ADVANCED GCE
LAW**

Criminal Law

TUESDAY 29 JANUARY 2008

G143

Morning
Time: 2 hours

Additional materials: Answer Booklet (16 page)



INSTRUCTIONS TO CANDIDATES

- Write your name in capital letters, your Centre Number and Candidate Number in the spaces provided on the Answer Booklet.
- Write your answers, in blue or black ink, in the answer booklet provided.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- Answer **three** questions, **one** from Section A, **one** from Section B and **one** from Section C.
- Write the numbers of the questions you answer on the front of your answer booklet.
- If you use additional sheets of paper, fasten these securely to the answer booklet.

INFORMATION FOR CANDIDATES

- The number of marks for each question is given in brackets [] at the end of each question.
- The total number of marks for this paper is **120**.
- **Quality of Written Communication (QWC)**
Candidates are reminded of the need to write in continuous prose where appropriate. You will be assessed on your written communication and your use of appropriate legal terminology.

This document consists of **4** printed pages.

Answer **three** questions.

Answer **one** from Section A, **one** from Section B and **one** from Section C.

You are advised to spend 50 minutes on Section A, 50 minutes on Section B and 20 minutes on Section C.

SECTION A

Answer only **one** question from this section.

- 1 'Law should encourage citizens in their civic duty to do 'the right thing' in a moral sense and not to turn a blind eye or fail to act to help someone who is in need.'

Consider to what extent the criminal law relating to omissions (failures to act) reflects this view. [50]

- 2 'The offence of burglary has been defined by Parliament. However, it has been left to decisions of the courts to clarify most of the key ingredients of the offence.'

Evaluate the above statement. [50]

- 3 'The law on consent as a defence to offences against the person recognises that the causing of deliberate harm may sometimes be justified.'

Consider the truth of this statement. [50]

SECTION B

Answer only **one** question from this section.

- 4 Zandra, who is aged 16, has had an unhappy childhood. She has left home and has turned to drugs and prostitution. She is living with Shaun, aged 33, who is a weightlifter. Shaun regularly forces Zandra to give him her earnings. He is jealous and possessive and has beaten her on a number of occasions. She is immature and has often harmed herself to seek attention. One night, fearing that Shaun will beat her up and force her to have sex with him, Zandra cuts her wrists. When Shaun comes into the lounge and sees what she has done, he taunts her saying she has made a pathetic job of slashing her wrists. Zandra goes to her bedroom to get her knife, returns to the lounge and stabs Shaun in the chest killing him instantly.

Discuss Zandra's potential liability for the murder of Shaun. [50]

- 5 Raul and Christiano are standing in a queue at a bus stop when they begin arguing with one another. Raul pushes Christiano who staggers backwards and collides with Margaret, an 83 year old lady. Margaret falls backwards onto the pavement. She is injured and in pain. Margaret is taken to hospital where x-rays reveal that she has broken her hip. Doctors agree that the injuries are made worse partly because she suffers from osteoporosis (a disease which makes her bones unusually brittle).

Although Margaret is elderly, Doctor Smith decides to operate in order to allow Margaret to have any chance of being able to walk in future. A few days later, Margaret is recovering slowly from the operation when she develops a secondary infection. Doctor Smith prescribes Margaret penicillin but she is allergic to the drug and dies.

Discuss the potential liability of **both** Raul and Doctor Smith for the death of Margaret. [50]

- 6 Sinita and Mina share a flat. One night Sinita finds Mina kissing Sinita's boyfriend, Alberto. She picks up a glass of water, raises it in the air and shouts at Mina, "You hussy, I'll kill you!" She tries to throw the water at Mina but the glass slips from her hand and strikes Mina in the face cutting her forehead.

Alberto is so angry that he pushes Sinita and she falls backwards over a stool onto the floor and is knocked unconscious for a few seconds. When Sinita recovers consciousness she is still dizzy and stumbles towards Mina knocking her on to the floor. Mina suffers a fractured arm.

Later that evening, when Sinita is sleeping, Mina gets a pair of scissors and cuts off Sinita's pony tail in an act of revenge.

Discuss the potential criminal liability of Sinita, Alberto and Mina for the above incidents. [50]

SECTION C

Answer only **one** question from this section.

- 7 Ahmed owes Fernando money. Fernando tells Ahmed that unless he repays the debt he will reveal to Ahmed's wife that Ahmed is having an affair. Ahmed carries out a burglary to repay the debt. Ahmed is also a member of a shoplifting gang run by Spike. Spike emails Ahmed from Italy and orders Ahmed to collect a large quantity of heroin or Ahmed will be beaten up later that day. Ahmed collects the heroin.

Evaluate the accuracy of **each** of the four statements A, B, C, and D individually, as they apply to the facts in the above scenario.

Statement A: If Ahmed is charged with burglary the threat to reveal his affair will provide him with a valid defence.

Statement B: Ahmed is able to successfully plead a defence if charged with burglary because he had no choice but to commit a burglary to repay the debt.

Statement C: Ahmed is able to successfully plead a defence to a charge of possession of a controlled drug even though he is a member of Spike's gang.

Statement D: Ahmed is unable to successfully plead a defence to a charge of possession of a controlled drug because Spike is in Italy.

[20]

- 8 Gary is in debt. Darren's wife owes Gary £20. Gary sees Darren in the street and threatens to beat him up unless he gives him £20. Darren hands over the money. Gary sees an old lady, Dorothy, in the street. He tries to snatch a bag from her grip. He grabs the handle of the bag but she resists and the bag falls to the ground. Gary runs off.

Evaluate the accuracy of **each** of the four statements A, B, C, and D individually, as they apply to the facts in the above scenario.

Statement A: Gary is not liable for theft because Darren gives him the £20.

Statement B: Gary is liable for robbery when Darren gives him the £20.

Statement C: Gary is not liable for the theft of Dorothy's bag.

Statement D: Gary is guilty of robbery when he grabs Dorothy's bag.

[20]

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