

**ADVANCED GCE****LAW**

Criminal Law Special Study

**G144**

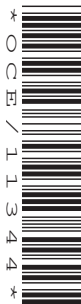
Candidates answer on the Answer Booklet

**OCR Supplied Materials:**

- 8 page Answer Booklet
- Criminal Law Special Study Material

**Other Materials Required:**

None

**Friday 25 June 2010****Morning****Duration:** 1 hour 30 minutes**INSTRUCTIONS TO CANDIDATES**

- Write your name clearly in capital letters, your Centre Number and Candidate Number in the spaces provided on the Answer Booklet.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully and make sure that you know what you have to do before starting your answer.
- Answer **all** the questions.
- Do **not** write in the bar codes.
- If you use additional sheets of paper, fasten these securely to the Answer Booklet.
- Write the numbers of the questions you answer on the front of your Answer Booklet.
- You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.

**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 **80**.
- The special study materials have provided a starting point for study of the topics set. Each booklet contains source material which indicates the area of substantive law to be tested. You are expected to demonstrate understanding of the area of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.
- 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 **2** pages. Any blank pages are indicated.

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**Answer all questions.**

- 1** Discuss the fairness of the decision in *Kitson* [Source 7 page 5 lines 3–8 Special Study Material]. **[12]**

- 2** In Source 2 [page 2 lines 1-2 Special Study Material] Lord Hailsham states that *“Some degree of proportionality between the threat and the offence must, at least to some extent, be a prerequisite of the defence under the existing law.”*

Discuss how accurately the above statement reflects the attitude of the courts to the availability of the defence of duress by threats. **[30]**

- 3** Consider whether or not each of the following would have a defence of duress available:

- (a) Abel threatens Brad, at knife point, that if Brad does not kill Cedric, Abel will kill Brad and his family. Brad lunges at Cedric with a knife but the blade bounces off the mobile phone in Cedric’s shirt pocket. Cedric is not injured. **(10)**
- (b) Dalvinder comes into the shop where Emma works and threatens Emma that unless Emma steals money from the till and hands it over to him, Dalvinder will reveal to Emma’s husband that she is having an affair with the shop manager. Emma does steal money from the till and hands it over to Dalvinder. **(10)**
- (c) Fred, a known violent criminal, e-mails Garfield and threatens to kill Garfield next week when he comes to Birmingham unless Garfield burns down the house of Hal, who owes Fred money. Garfield does burn down Hal’s house. **(10)**

**[30]**

**QWC [8]**



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