



GCE A level

484/02

LAW – LW4

**OPTION 02 – CRIMINAL LAW AND
JUSTICE**

A.M. MONDAY, 16 June 2008

1½ hours

ADDITIONAL MATERIALS:

In addition to this examination paper, you will need a 12 page answer book.

INSTRUCTIONS TO CANDIDATES

Candidates are required to answer **two** out of **four** questions.

INFORMATION FOR CANDIDATES

Each question carries 25 marks.

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.

Option 02 Criminal Law and Justice

Answer **two** out of the **four** questions.

Read all the sources carefully before answering the questions based upon them.

1. June and Kitty work as care assistants in a nursing home. One of the patients, Mary, is very heavy and uncooperative. One morning Mary stubbornly refused to get into her wheelchair. June lost her temper, and for a moment she did not care whether she hurt Mary or not. Although it was strictly against the nursing home's rules, she grasped Mary under the armpits and physically hauled her into the wheelchair. The wheelchair toppled under Mary's weight, crushing Kitty against the wall. Mary began to complain that her arm was hurting. Kitty was also in pain, but she decided not to tell anyone what had happened in case her friend June got the sack. Later that day, the Matron noticed that Mary's arm looked swollen, so she drove Mary to the hospital to have it X-rayed. It turned out that Mary's arm was broken, and the hospital decided to keep her in for a few days. Meanwhile, Kitty was in agony, but did not dare to complain for fear of Matron finding out how Mary had come by her injury. That night Kitty collapsed and died from internal bleeding. Mary's broken arm healed well, but while she was in hospital she contracted MRSA, and subsequently died from that infection.

Consider whether June may be criminally liable for the deaths of Kitty and Mary. [25]

2. The police searched a house belonging to Gethin, whom they suspected of selling pirated CDs. They found a large number of CDs, but none which were obviously illegal. While they were there, Gethin's girlfriend Cerys walked up the garden path. She was stopped and searched by one of the officers, who found a number of CDs in her bag. The police arrested Gethin and Cerys, and drove them to the police station, where they had their fingerprints and samples of DNA taken. After that, Gethin was placed in a cell while Cerys was questioned by detectives. Gethin asked to be allowed to inform his sister of his arrest, and speak to a solicitor, but both these requests were refused. After Cerys had been questioned for twelve hours, she was placed in a cell and Gethin was taken for questioning. This questioning lasted for more than twenty-four hours, with only short breaks to enable Gethin to use the bathroom and have a cup of tea. Gethin continued to deny that he had done anything illegal, until one of the officers told him that Cerys had admitted helping him to manufacture pirated CDs. This was completely untrue, but Gethin believed the officer, and agreed to sign a confession.

Consider the legality of the actions of the police, and whether Gethin's confession would be admissible in court. [25]

3. Tyrone and Percy were best friends until Tyrone started going out with Percy's ex-girlfriend, Una. Tyrone and Una were sitting together in the pub when Tyrone received a text message from Percy which said: "I am watching you. Be very afraid". Una read the text, and turned pale with fright. Seconds later, Tyrone was hit on the back of the head by an empty beer can thrown by Percy. Tyrone decided that it was time he and Percy ended their quarrel, so he located Percy among the crowd of drinkers and suggested that they settle their differences as they always did, with a friendly fist fight. Tyrone could see that Percy was very drunk, and thought that no harm could come of it. Percy consented to the plan, and the two young men squared up to one another in the street outside the pub. Not wanting to hurt Percy, Tyrone delivered a loose punch which barely grazed Percy's face. Percy retaliated with a blow that knocked out one of Tyrone's teeth. A passer-by, Austin, saw the blood coming from Tyrone's mouth, and ran up to separate them. Thinking that he was being attacked, Percy kicked Austin in the stomach, causing him serious internal injuries.

Consider whether Percy and Tyrone may have committed any offence(s), taking account of any defences which might be available to them. [25]

4. John began to experience hallucinations during which he thought he was back in the Army. Eventually, he was diagnosed as having a small, non-malignant brain tumour. The doctors at the hospital decided that his condition was not urgent enough to require immediate treatment, so John was sent home to await a date for his operation. John went shopping in a supermarket, where the bright overhead lighting began to affect him. He took a mop handle from one of the shelves, and began to swing it around like a weapon. A uniformed security guard arrived to find out what was going on. John thought that the security guard was an enemy soldier, and struck him savagely with the mop handle, causing him fatal injuries.

Consider what defence(s) might be available to John if he is charged with the murder of the security guard. [25]