



**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, 27 January 2011

1½ hours

#### **ADDITIONAL MATERIALS**

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

#### **INSTRUCTIONS TO CANDIDATES**

Use black ink or black ball-point pen.

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.

You are reminded of the need for good English and orderly clear presentation in your answers.

Assessment will take into account the quality of written communication used in your 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.

Liam caught his girlfriend kissing Noel. Liam became angry and hit Noel with a baseball bat. Noel suffered a fractured skull, and spent a month in hospital. One day he was told by his doctor, Shelagh, that he could be discharged the next day as his injury had almost completely healed, although he would need to take painkillers for several more weeks. On the day of his leaving hospital, Noel was given his painkillers by Rodney, the hospital pharmacist. Rodney had wrongly calculated the dose, and each painkiller contained four times the recommended dose. The next day Noel took one of the painkillers and collapsed. Two days later Noel died.

- (a) In the light of reported case law and other sources of law, consider whether Liam may be criminally liable for Noel's death. [14]
- (b) Explain the avenues of appeal available to Liam if he is convicted by the Crown Court. [11]

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

Harriet was arrested after the police found a bag containing Class A drugs in her garden shed. She was taken to the police station, where she had her fingerprints and a DNA sample taken. Harriet asked if she could let her mother know of her arrest, and speak to a solicitor. Both requests were refused. Harriet was then questioned for twelve hours without a break. Throughout the interview she continually denied any knowledge of the bag, until one of the officers told her that her fingerprints had been found on the bag. This was completely untrue, but by this time Harriet was so distressed that she agreed to sign a confession.

- (a) In the light of reported case law and other sources of law, consider the legality of the actions of the police. [14]
- (b) Explain the factors which the Crown Prosecution Service would consider when deciding whether to prosecute Harriet. [11]

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

Kyle, Jordan and Ciaren went to their end of term prom. After all three had drunk a considerable quantity of alcohol, Kyle accidentally spilt a glass of wine on Jordan's dress. Jordan thought Kyle had done this on purpose, and aimed a blow at Kyle, but missed and hit Ciaren instead. Ciaren stumbled backwards and broke his elbow. Jordan went to help Ciaren, but Kyle thought Jordan was going to hit him again, and rugby-tackled Jordan to the floor with such force that she suffered serious internal injuries. Kyle was later arrested by the police.

- (a) In the light of reported case law and other sources of law, consider whether Jordan and Kyle have committed any offences, taking account of any defences which might be available to them. [14]
- (b) Explain the powers of the police to grant Kyle bail and impose conditions upon him. [11]

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

Chris is a diabetic who often ignores his doctor's advice to ensure that he takes his insulin and eats regularly. One day he drove into town without bothering to take his insulin first. This caused him to lose concentration and drive too close to a tree, disturbing a nest of bees. The angry bees swarmed into the car through the open sunroof and began to sting Chris, causing him to lose control of the car and crash into a shop window. Chris was not injured, but Jane, a customer in the shop, was cut by flying glass.

- (a) In the light of reported case law and other sources of law, consider whether any possible defences might be available to Chris if he were charged with a criminal offence. [14]
- (b) Explain what sources of legal funding may be available to the injured customer Jane, if she decides to sue Chris in the civil courts. [11]