



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. FRIDAY, 17 January 2014

1 hour 30 minutes

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 that 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.

A charity which helps ex-offenders began renovating an old house in a pleasant suburb and turning it into a hostel for former prisoners with mental health problems. Many of the people who lived nearby were opposed to the hostel, as they feared that its presence would affect the value of their own houses and make them harder to sell. One local resident, Matt, decided to take matters into his own hands. Under cover of darkness, he broke into the hostel and began to damage the fittings and throw paint all over the walls. Suddenly one of the social workers, Karen, appeared with her mobile phone in her hand, ready to call the police. To stop her, Matt punched her as hard as he could, knocking her unconscious. Thinking he had killed her, Matt tried to make it look as if Karen had died in an arson attack by setting fire to a heap of paint-soaked rags before running from the burning building. It so happened that Karen's phone had already connected with the emergency services before she fell unconscious, and the ambulance and fire brigade were there within minutes. Karen was brought alive from the building, but died when the ambulance taking her to hospital was involved in a serious road accident.

- (a) In the light of reported case law and other sources of law, consider whether Matt may be criminally liable for the death of Karen. [14]
- (b) Explain how a jury would be selected if Matt were to be tried in the Crown Court. [11]

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

Percy's girlfriend Natasha was injured in a car accident and had to spend a few days in hospital. To cheer her up, Percy and his friend Tyrone went to the hospital to visit her, taking with them some cans of lager. It was a warm day, and by the time they reached the hospital they had drunk all the lager. Percy thought he knew which room Natasha was in, and flung open the door with a shout of "Hello, gorgeous!" The eighty-one year old woman in the bed got a severe fright, and had to be given treatment for the shock. Percy and Tyrone apologised and were shown to Natasha's room. Natasha was in a foul mood, having been told that she would need crutches for several weeks. When Percy admitted that he had no lager for her, she picked up her water jug meaning to throw the contents over him, but threw the jug as well. Percy ducked, and the jug hit Tyrone, cutting his forehead. At that moment a female police officer, PC Sweet, entered the room to interview Natasha about the accident. Percy, who by now was rather drunk from all the lager he had consumed, jumped to the conclusion that PC Sweet had come to arrest him for frightening the old woman. Percy ran for the door, knocking PC Sweet to the ground and causing her to suffer permanent damage to her back.

- (a) In the light of reported case law and other sources of law, consider whether Percy or Natasha may have committed any offence. [14]
- (b) Explain what sources of legal advice and funding might be available to them if they were to be prosecuted. [11]

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

PC Knabb saw a man in the street who he thought he recognised as one of a family of regular offenders. PC Knabb stopped the man and said, "Aren't you Jac Jones?" Jac Jones replied, "No sir, never heard of him." PC Knabb said, "I think you're lying", and proceeded to search him. PC Knabb found nothing suspicious, but he was still not satisfied, so he arrested Jac in order to establish his identity. When they arrived at the police station, the custody officer said, "Hello, Jac, how's it going?" PC Knabb said, "He says he's not Jac, so let's put him in a cell until he tells us who he is." Jac sat in the police cell for 24 hours. He did not ask to contact his family or obtain legal advice, and the police did not offer. After 24 hours Superintendent Slack came on duty and wanted to know why there was no custody record for Jac. When the custody officer explained the circumstances, Superintendent Slack told him to give Jac bail and send him home.

- (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 powers of the police to grant bail. [11]

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

Brian was woken up in the middle of the night by the sound of somebody moving around downstairs. Brian's wife was still asleep, so not wishing to alarm her Brian went quietly into the bedroom where his two little daughters slept, to check that they were safe. The bed of his younger daughter, Chloe, was empty, and Brian thought he could hear her crying downstairs in the living room. Full of fear and anger, Brian raced down the stairs and burst into the living room. He found Chloe sobbing and cuddling the family's little dog, which was bleeding from a blow to the head. Near to her stood a frightened-looking young man with a baseball bat in his hand. The young man tried to run past Brian and escape, but Brian picked up the nearest hard object he could find, which happened to be his electric guitar, and struck him with such force that he later died from his injuries.

- (a) In the light of reported case law and other sources of law, consider whether Brian may have any defence to a charge of murder. [14]
- (b) Explain the tests which the Crown Prosecution Service would use in deciding whether Brian should be prosecuted. [11]

END OF PAPER