



GCE A level

1253/02



S16-1253-02

LAW – LA3

UNIT 3: Understanding Substantive Law:

Freedom, the State and the Individual

OPTION 2: Criminal Law and Justice

A.M. TUESDAY, 21 June 2016

1 hour 30 minutes

ADDITIONAL MATERIALS

In addition to this examination paper, you will need a WJEC pink answer booklet, which has been specifically designed for this examination paper. No other style of answer booklet should be used. Should you run out of space, use a standard 4-page continuation booklet.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen. Do not use pencil or gel pen. Do not use correction fluid. 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.

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.

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.

Option 2: Criminal Law and Justice

Answer two questions.

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

Simon became very depressed after his girlfriend Sinita ended their relationship and married Jeremy. He sent dozens of text messages to Sinita, begging her to leave Jeremy and come back to him. Eventually, Jeremy went to see Simon at his flat, and told him that this behaviour would have to stop. Simon was overcome by a jealous rage and struck Jeremy on the head with a vase. The blow fractured Jeremy's skull, which was abnormally thin. Simon immediately summoned an ambulance, and Jeremy was taken to hospital. By the time the ambulance arrived at the hospital, Jeremy's heart had stopped beating and he was no longer breathing. Jeremy was rushed to the intensive care unit and placed on a life-support system. A newly qualified doctor accidentally disconnected the life support machine and Jeremy died an hour later.

- 1 1 In light of reported case law and other sources of law, consider whether Simon may be criminally liable for Jeremy's death. [14]
- 1 2 Explain how a jury is selected if Simon is tried in the Crown Court. [11]

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

PC Holmes and PC Watson were sitting in their police car when Rhidian walked past wearing a hoodie and with a backpack slung over his shoulder. PC Holmes said, "Let's have him," and called out to Rhidian to stop. PC Watson grabbed Rhidian's backpack, opened it and found it contained about fifty mobile phones. PC Holmes said to Rhidian, "Alright, get in the car, you're coming with us." Rhidian obeyed, and was driven to the police station. On the way, Rhidian explained that the choir group he was a member of was donating its old mobile phones to raise money for the Ebola relief effort in Africa, and had put Rhidian in charge of the collection. When they arrived at the police station, Rhidian asked to be allowed to contact his wife and consult a solicitor. The custody officer said that he would have to wait to contact his wife and speak to a solicitor until the police had checked out his story. Rhidian was then detained for 52 hours, during which time he was interviewed for lengthy periods without a break and with no food or water. At the end of that time, the police told Rhidian that he would be bailed pending further enquiries.

- 2 1 In light of reported case law and other sources of law, advise Rhidian as to the legality of the actions of the police. [14]
- 2 2 Explain the powers of the police to grant bail to Rhidian. [11]

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

Chris and Joe were best friends until Chris started going out with Joe's ex-girlfriend, Katy. Chris and Katy were sitting together in the cinema when Chris received a text message from Joe which said: "I am behind you. Be very afraid." Katy read the text, and turned pale with fright. Seconds later, Chris was hit on the back of the head by a bucket of popcorn thrown by Joe. Chris decided that it was time he and Joe ended their quarrel, so he located Joe among the crowd of cinema goers and suggested that they settle their differences as they always did, with a friendly fist fight. Joe consented to the plan, and the two young men started to fight one another in the street outside the cinema. Not wanting to hurt Joe, Chris delivered a loose punch which barely grazed Joe's face. Joe retaliated with a blow that knocked out one of Chris's teeth. A passer-by, Ryan saw the blood coming from Chris's mouth, and ran up to separate them. Thinking that he was being attacked, Joe kicked Ryan in the stomach causing him serious internal injuries.

3 1 In light of reported case law and other sources of law, consider the criminal liability of Chris and Joe. [14]

3 2 Explain the tests that would be used by the Crown Prosecution Service when deciding whether Chris and Joe should be prosecuted. [11]

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

Tyrone is an epileptic who often ignores his doctor's advice about taking his medication. One day he rode his pedal bike into town without bothering to take his medication first. This caused him to lose concentration and ride too close to a pest control van carrying a wasps' nest recently extracted from a local home. The van swerved disturbing the wasps, which escaped, causing Tyrone to lose control of his bike and crash into a shop window. Tyrone was not injured, but Janet, a customer in the shop, was cut by flying glass.

4 1 In the light of reported case law and other sources of law, consider whether any possible defences might be available to Tyrone if he were charged with a criminal offence. [14]

4 2 Explain the process of appeal if Tyrone were to be found guilty in the magistrates' court. [11]

END OF PAPER