

**The Institute of Legal Executives**  
**LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW**  
**CRIMINAL LAW**

**Time allowed: 3 hours**

**Each question carries a total of 25 marks**

**Answer FOUR only of the following EIGHT questions. This paper is divided into two sections. You MUST attempt at least ONE question from Section A and at least ONE question from Section B.**

**Full reasoning must be shown in answers – a yes or no answer will earn no marks.**

**Authorities and decided cases should be cited where appropriate.**

**Candidates may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Criminal Law 2006-2007, 16<sup>th</sup> edition by Peter Glazebrook, Oxford University Press. Invigilators may carry out spot checks.**

**SECTION A**

1. Jon, who is very shy, became attracted to his next-door neighbour, Celia. Because of his shyness, he found it impossible to speak to her. Jon sometimes telephoned Celia at home and work, each time intending to express his love, but always too frightened to pluck up the courage to speak. On other occasions, Jon knocked on Celia's front door, but was too shy to wait for her to answer the door, and left.

Celia had become increasingly anxious about the silent telephone calls and anonymous knocks on her front door. Her doctor signed her off work with anxiety-related neurosis.

Aware that Celia was at home and ill, Jon persuaded his friend, Michael, to call round to Celia's house and ask if she was alright. Michael agreed. When he knocked on Celia's front door, there was no answer although he could hear music coming from the back of the house. Michael walked around to the back of the house where he saw Celia, sitting on the patio, facing the garden. Celia had not seen or heard Michael's approach. Michael said, "Excuse me, are you Celia?"

Celia, surprised, jumped up from her chair and spilled a cup of hot coffee down her legs, causing blistering. Thinking Michael was about to attack her, Celia threw her cup at Michael. It hit his head causing a deep cut.

Consider the criminal liability, if any, of Jon, Michael and Celia. You should not, however, consider Jon's liability, if any, as an accomplice to Michael's acts.

**(25 marks)**

**P.T.O.**

2. Maria had been married to Nelson for 15 years and they had a son, Ovid, aged 12. Nelson was an alcoholic and had always been physically violent to Maria. One night, very drunk, Nelson hit Ovid for the first time, and when Maria tried to intervene, Nelson told Maria he was going to kill her and Ovid the following day when he came back from work. Nelson then fell asleep. Maria believed Nelson's threat and was furious that he had hit Ovid.

Maria knew Nelson was allergic to peanuts. Still angry with Nelson, she added a teaspoonful of peanut oil to the egg sandwiches she had made for him to eat for lunch the next day.

The following day, Nelson ate the sandwiches and immediately died as a result of his allergy.

Maria has been charged with murder. Critically discuss whether she has any defence to that charge.

**(25 marks)**

3. On their release from prison for armed robbery, Kieran and Steve planned to get revenge on Dave, who had informed on them to the police. They decided to pay a visit to his house one night, and to cause him grievous bodily harm.

Kieran and Steve asked a friend, Cooper, if he would act as a lookout. Cooper asked Kieran and Steve what they intended to do, and they told him that they were going to 'do a burglary'. Cooper, who knew their reputation as violent criminals, agreed, provided that no weapons were used.

As they were breaking in through the back window of Dave's house, Steve produced an iron bar. Cooper saw it and said, "Hey! No violence!" but Steve said, "Just in case".

As they reached the first floor of Dave's house, Dave came out of his bedroom and shouted in alarm. Kieran lost his nerve and ran from the building. Steve, who hated Dave, hit him over the head six times with the iron bar intending to kill him. Dave died as a result.

When Steve got outside, he was grabbed by a police officer because Cooper, who had become concerned, had called the police to let them know what was happening.

Steve has been convicted of murder.

Discuss the criminal liability, if any, of Kieran and Cooper.

**(25 marks)**

**P.T.O.**

4. The following separate events all took place on the same day, in the same supermarket.

Bert picked up a tin of salmon and put it in his pocket, intending to leave the store without paying for it. Thinking he might have been spotted by a store detective, he paid for the tin and left the store.

When Claire, a shopper, was loading the conveyor belt with the items from her trolley, she failed to notice a toothbrush in the trolley and she left the store without paying for it. Outside in the car park, she realised she had not paid for the toothbrush, but decided to keep it anyway.

Alex, who works at the cake counter, ate a cream cake after the store had closed. The cake was in a pile to be thrown away as it could not be offered for sale the next day. His supervisor, Denise, saw him, and told him that he should not eat the produce. He said, "Fine, I'll pay for it then."

Discuss the criminal liability, if any, for the offence of theft only, of Bert, Claire and Alex.

**(25 marks)**

### **SECTION B**

5. A lay person thinks that a defendant is 'reckless' if he is careless, thoughtless or takes an obvious risk and causes harm. The lawyer, however, knows this is not the legal definition of recklessness - but thinks it should be.

Discuss the meaning of the word 'reckless' in the criminal law in light of the above statement.

**(25 marks)**

6. A person should not be convicted of wrongdoing without proof of his state of mind.

Critically consider the imposition of strict liability in the criminal law in light of this view.

**(25 marks)**

7. There is no justification for criminalising an incomplete crime. No harm occurs and no injury is suffered until the defendant completes the offence.

Discuss the imposition of criminal liability for inchoate crimes in light of the above statement.

**(25 marks)**

8. "Any mental disorder which has manifested itself in violence and is prone to recur is a disease of the mind." Lord Denning MR in *Bratty v AG for Northern Ireland* (1961).

Critically consider the defence of insanity in light of the above statement.

**(25 marks)**