

INSTITUTE OF LEGAL EXECUTIVES

UNIT 3 – CRIMINAL LAW*

Time allowed: 3 hours plus 15 minutes reading time

Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper before the start of the examination.
- **It is strongly recommended that you use the reading time to read the question paper fully.** However, you may make notes on the question paper or in your answer booklet during this time, if you wish.
- **All questions carry 25 marks. Answer FOUR only of the following EIGHT questions. The question paper is divided into TWO sections. You MUST answer at least ONE question from Section A and at least ONE question from Section B.**
- Write in full sentences – a yes or no answer will earn no marks.
- **Candidates may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Criminal Law 2011 – 12, 21st Edition, Peter Glazebrook, Oxford University Press, August 2011.**
- Candidates must comply with the ILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ball point pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following ILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

SECTION A
(Answer at least one question from this section)

1. The boundaries between intention and recklessness have become blurred and no longer serve any useful purpose.

Critically evaluate the above statement.

(25 marks)

2. Given the scope of conspiracy there is now no need for a 'joint enterprise' doctrine as well.

Critically evaluate the above statement.

(25 marks)

3. Explain the main changes effected by ss52 and 54 of the Coroner's and Justice Act 2009 (C&JA) and comment on whether the changes are either necessary and/or beneficial in relation to the partial defences of:

(a) Diminished Responsibility; and

(10 marks)

(b) Provocation.

(15 marks)

(Total: 25 marks)

4. An owner of goods can consent to them being taken but this does not necessarily prevent there being a theft of those goods. It all depends on the state of mind of the recipient at the time of taking the goods.

Explain and critically evaluate the above statement.

(25 marks)

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SECTION B
(Answer at least one question from this section)

Question 1

Jack needed money to fund his drug use. He broke a window to enter Amina's home, hoping he could find something valuable he could sell. He took her camera, X box 360 and bank cards. He then left to try to sell the items.

Amina returned home from work at 6pm. She discovered that the glass in her back door had been smashed and someone had been in her flat. She called the police and whilst she waited for them to arrive, she noticed that her camera, her X Box 360 and some bank cards were missing.

She also noticed that there was blood on the smashed pane of glass. When the police arrived she gave them a description of what was missing and directed them to the blood.

When Amina called the bank later they informed her that £200 had just been withdrawn from the bank on her stolen card.

The blood provided a DNA match to Jack and the police identified Jack from the CCTV at the bank making the withdrawal at 4pm on the day of the theft. The police identified Jack as the person responsible and started to look for him.

Later that same day Amina's neighbour, Teresa, called the police because she had returned home from a shopping trip and had found a man in her house. She gave the police a description of the man and said that he ran out of the back door when she came in. She said she thought that nothing was missing and there was no damage.

Teresa told the police that the man had run off in the direction of the park. The police went to the park and found Jack hiding in some bushes. He was wearing the clothing described by Teresa and had a bandage around his hand.

The police arrested Jack and discovered a camera and an X Box 360 in the bushes which were later identified by Amina as being the items stolen from her house earlier that day. Jack also had £130 in cash in his pocket.

Discuss any criminal liability of Jack resulting from any of the above circumstances.

(25 marks)

Question 2

Andre and his friends went to the Black Swan for a few drinks. Andre went to the bar to get a drink. Den was sitting on a stool at the end of the bar and was very drunk.

Den nodded towards Andre and Andre nodded back. Andre got his drink and went back to his friends.

A while later Den approached Andre and his friends and demanded from Andre the £20 that he had lent him the previous week. Andre tried to explain to Den that he must be mistaken and that he had not borrowed any money from him as he did not even know him.

Den referred to Andre as 'Frenchy' and said "Give me my money" and threatened to hit him if he did not give him the money. Andre tried to explain to Den that he has a cousin whose nickname is Frenchy but Den ignored him and attempted to punch him. He was so drunk he missed Andre and hit Sam.

Sam staggered backwards and hit his face on the bar as he fell. He was knocked unconscious. His friends gathered around him and called the police and an ambulance.

Sam's injuries consisted of a nasty gash on his left cheekbone which required 15 stitches. Sam was kept in hospital overnight for observation as he also had concussion.

Consider Den's criminal liability for his actions.

(25 marks)

Question 3

Sandra is a diabetic. She knows the importance of checking her blood sugar levels regularly and eating regularly. She self injects insulin. She also knows she should only drink alcohol in moderation due to her condition.

Sandra went to a party on Friday night and drank a large amount of alcohol. On Saturday morning she felt very hung over and could not eat all day. She did remember to check her blood sugar levels and self administered insulin.

On Sunday Sandra was feeling a bit better but still did not feel like eating. By early afternoon she was feeling much better so she decided to go to the local supermarket to buy some food. She self administered insulin before she left.

Whilst in the supermarket Sandra's behaviour became erratic and she started taking items of crockery off the shelves, throwing them on the floor and smashing them. The security guard was called. When he approached Sandra she threw items at him off the display. A large pasta dish hit the security guard on the head causing him serious injuries.

Sandra was arrested and charged with recklessly destroying property belonging to another contrary to s1(1) Criminal Damage Act 1971 and causing Grievous Bodily Harm (GBH) with intent contrary to s18 Offences Against the Person Act 1861.

Sandra has no memory of the events of that Sunday at all. Expert evidence has established she was suffering hypoglycaemia at the time.

- (a) Focusing on the availability of a defence, consider Sandra's criminal liability, if any.

(15 marks)

- (b) How, if at all, would your answer differ, if on both Saturday and Sunday, Sandra had forgotten to self administer insulin but was suffering from hyperglycaemia at the relevant time?

(10 marks)

(Total: 25 marks)

Question 4

Ollie and James were competing in a mountain biking race. Ollie pushed James off a narrow ridge knowing that there was such a steep drop that James would not be able to finish the race. Abdul was riding behind James and Ollie and saw what Ollie did to James.

Abdul stopped and looked over the edge of the ridge and could see James was not moving. As he fell James had hit his head on a rock and was knocked unconscious. Abdul called the emergency services, but mistakenly gave them the wrong location as he was not sure where he was; consequently it took the emergency services 90 minutes longer than it should have to find James.

By this time James had regained consciousness and refused to go in the rescue helicopter as he was afraid of flying, so he was driven to hospital instead. At the hospital the doctor prescribed James a drug that caused him to have an unexpected allergic reaction and he died.

In the meantime, Abdul finished the race and confronted Ollie about what he had done to James. Ollie was angry that Abdul had confronted him so he told him to mind his own business and he punched him in the face causing no visible injury.

Consider Ollie's criminal liability in respect of James and Abdul.

(25 marks)

End of Examination Paper

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