

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:–

LL.B.

Criminal Law

COURSE CODE : **LAWS7003**

DATE : **16-MAY-06**

TIME : **10.00**

TIME ALLOWED : **2 Hours 30 Minutes**

CRIMINAL LAW

Answer **THREE** questions, including at least one question from **PART A** and at least one question from **PART B**.

PART A

1. “It is possible to say that all conduct should satisfy some sort of ‘harm principle’ if it is to be subject to criminal sanctions. We need only to ensure that the scope of the ‘harm principle’ is suitably broad.”

Discuss.

2. “The Law Commission’s recent proposals on the reclassification of murder and manslaughter are broadly to be welcomed. In particular, they succeed in ensuring that only the most serious killings are classified as (what they call) first degree murder.”

Discuss.

3. “The wide interpretation of ‘appropriation’ in the law of theft is quite undesired. The notion in *R v Hinks* [2000] 4 All ER 833 that conduct which does not give rise to remedies in civil law might be punishable in criminal law is particularly worrying.”

Discuss.

TURN OVER

PART B

4. Alex is a medical doctor and longstanding friend of Basil and Beth, a married couple with whom he often has dinner at their house. Over the years, he has come to know their sixteen year old daughter Daisy very well, and Basil and Beth have often commented to him that “she seems to trust you more than anyone else – she believes everything you say”.

Alex agrees to collect Daisy from school one dark and wet evening, when her parents are unable to do so. He deliberately arrives late and finds her standing in the rain. Alex drives her to his own house, which is nearer, because (he says) Daisy needs to dry herself as soon as possible. He tells her that she is likely to catch a cold through having stood in the rain, and that the best way to stop this from happening is to have sexual intercourse: “it releases hormones which are good for fighting common viruses: actually, it is most effective of all for female teenagers”. Daisy asks him whether he is joking and Alex assures her that he is not. When Daisy mentions that she does not have a boyfriend, but hates to suffer from a cold, Alex offers to have sexual intercourse with her and Daisy hesitantly agrees.

Just after Alex and Daisy have had sexual intercourse, Alex’s sexually inexperienced teenage son Toby returns home. Alex suggests to Daisy (in Toby’s absence) that she should propose to Toby to have sexual intercourse with him. Daisy replies that this is presumably no longer necessary in order to prevent her from catching a cold, but Alex replies that if she does not do so, then he will tell her parents about what they have just done. He now reveals that their sexual encounter had been secretly videotaped. He also promises to hand over the tape if Daisy proposes intercourse to Toby, provided that she acts as though she “means it”. Daisy thus proposes intercourse to Toby, in the absence of Alex. Toby agrees and they then have sexual intercourse. Toby later says to the police “this was a complete surprise, though obviously a very welcome one. She had always completely ignored me beforehand. But I wasn’t much in the mood for asking questions about what she was doing at my father’s house and why she was suddenly so eager to get to know me”.

Discuss Alex’s liability for rape in relation to the first sexual encounter with Daisy, and Toby’s liability for rape in relation to the second sexual encounter with Daisy.

CONTINUED

5. Derek visits a public house and consumes a lot of alcohol during an evening. He meets a woman of his own age, Janice, and has a friendly conversation with her. After closing time, they leave the public house together, but in the car park he breaks a glass bottle over Janice's head. An ambulance is called and Janice is taken to hospital, but there is a long queue in the Accident and Emergency department, and due to a delay in receiving treatment, Janice dies from her head injuries.

Derek says after the incident: "Janice had made it quite obvious that she was going to sleep with me, but when we left the pub she changed her mind for no good reason at all. I lost my temper and hit her with the bottle. I didn't want to kill her, of course. Well, I would not have done what I did at all if I had been completely sober".

There is accepted medical evidence that Derek has suffered from chronic depression for many years, and that he has difficulty in accepting rejection by women.

Discuss Derek's criminal liability for Janice's death.

6. Two police constables, Mike and Paul, have arrested two youths, Grim and Dudley, in a dark alley on suspicion of drug dealing. Mike lawfully exercises a power to search Grim, and asks him before so doing whether he is in possession of any weapons. Grim does not answer. When Mike puts his hand in Grim's pocket, he touches the sharp end of a needle, which Grim carries with him because he uses it in order to inject himself with drugs. Mike yells out in pain, and Grim and Dudley run off. Mike and Paul pursue them until they reach a dead end in the alley. Grim then produces a gun and shoots in Mike's direction, though he means only to scare him away. The bullet ricochets off the brick wall behind Mike, and it hits Dudley in the leg.

Mike later becomes infected with HIV through the contact with Grim's needle. Grim tells the police "I didn't know myself that I was carrying HIV, though I had wondered about getting checked out a few months ago, when I heard that a casual sexual partner of a couple of years ago had recently died from AIDS". Dudley, who survives the shooting, says "I always knew that going around with Grim carried risks and that a stray bullet might one day come my way. I was proud to take such risks in the service of Grim, who wishes only for a free world in which everyone can lawfully sell drugs".

Discuss Grim's criminal liability (but you need not consider possession of drugs or possession of firearms or other weapons).

END OF PAPER