Criminal Law

Monday 12 May 2014: 10.00 – 13.15

Candidates will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their answer books. They then have the remaining **THREE HOURS** in which to answer the questions.

Candidates should answer **FOUR** of the following **EIGHT** questions.

Candidates should answer all parts of a question unless otherwise stated.
1. (a) Ahmed and Bashir are engaged in a bank robbery. Unknown to them Solly, a customer in the bank, is an off-duty policeman. Solly runs over to them intending to make an arrest. Zafar, another customer, believing Solly to be another robber, intentionally trips him up, thus making it easier for Ahmed and Bashir to escape.

Discuss whether Zafar is an accomplice to the robbery.

(b) Jack and Jill decide to burgle Humpty's house. Jill takes with her a baseball bat as is usual when the two burgle houses together. She has sometimes had occasion to use it on householders who have returned home unexpectedly. On this occasion Humpty surprises Jack and Jill in the course of the burglary. Jill finds she has left the baseball bat in another room and so she takes out a knife. Jack tells her to put it away and runs off. Jill murders Humpty with the knife.

Discuss whether Jack is complicit in the murder.

2. Alina accidentally collides with Casper who is supervising his child at the side of a swimming pool. Alina bangs her head and falls into the water. Henry, an off-duty lifeguard at the pool, sees this but does nothing to help. Neither does Casper although he sees that Alina is struggling in the water. Another swimmer, Mona, begins to effect a rescue by dragging Alina towards the side. Ellie, the official lifeguard, seeing that things are apparently in hand, returns to reading her newspaper. Meanwhile Mona, on realising she is late for an appointment, desists from any further efforts and leaves Alina still struggling in the middle of the pool, reasoning that someone else can effect the rescue. It is left to Bruce, another swimmer, to save Alina but by the time Alina is removed from the pool she is unconscious. She remains unconscious for three days but makes a full recovery.

Discuss the possible criminal liability of Casper, Henry, Mona and Ellie.

3. Compare and contrast intention and recklessness as fault terms governing criminal liability.
4. Ada has been married for 20 years. Her husband, Van, has consistently oppressed her. He refuses to allow her to take paid employment, to go out with her friends or to take driving lessons. He also belittles her in company and gives her only a tiny housekeeping allowance on the excuse that he cannot afford it. Ada discovers that Van has a secret bank account containing £100,000 and that he pays a monthly allowance of £1,000 to a secret lover. She is outraged and still seething, when Van takes his bath an hour later, she throws an electric fire into the bath, electrocuting him to death.

Discuss whether Ada may be able to raise the defence of loss of self-control and evaluate the applicable law.

5. ‘No act is punishable if it is done involuntarily and an involuntary act in this context - some people prefer to speak of it as automatism - means an act which is done by the muscles without any control by the mind such as a spasm, a reflex or a convulsion; or an act done by a person who is not conscious of what he is doing, such as an act done whilst suffering from concussion, or whilst sleepwalking.’ (Lord Denning)

Discuss.

6. One day Abezola and Rahama go mountain climbing. Upon reaching the summit Abezola tells Rahama that he is going to kiss her. Rahama, who has strong moral and religious principles, says, “If you do, I shall jump.” Abezola does not believe Rahama, and kisses her. Rahama then jumps off the summit and falls 20 metres on to a ledge. Abezola, thinking Rahama has been killed and that he will be held responsible, carries her to his car, intending to drop her down a disused mine shaft at another location to avoid detection. After travelling a few hundred metres the car is involved in an accident with a drunk driver. When the police arrive Abezola has survived and Rahama is found to be dead. At the post mortem it is discovered that it was the crash and not the fall which killed Rahama.

Discuss Abezola's potential criminal liability.

7. With reference to relevant case law explain and discuss:

(a) the meaning of 'belonging to another' for the purpose of the Theft Act 1968.

(b) the meaning of 'appropriation' with particular reference to the relevance of the owner's consent.
8. Discuss Adam’s potential liability for fraud in each of the following scenarios. Do NOT discuss Adam’s liability for theft.

i. Adam, a shopper, on taking a pair of shoes to the cash desk for purchase, notices that the price tags on each shoe show different amounts. He goes back to the counter to find another to match the lower price but cannot. He chooses, therefore, a matching shoe without a price tag on it, intending to purchase the pair at the lower price. A store detective notices all this and arrests him before he reaches the cash desk.

ii. Adam takes his friend Brian to his (Adam’s) golf club for a round of golf. Club rules require all members to inform a senior club official when guests are invited, so that they can charge a fee. Adam does not do so.

iii. Eve goes into Virtualworld Computers and asks to see some computers. One attracts her particularly and she asks Adam, the salesperson, ‘Is this the latest model?’ ‘Yes’, says Adam, although he knows it will be withdrawn from stock and replaced by another model next week.

iv. Adam is jealous of his brother Bingo. He tells Wooster, their rich uncle, a scandalous and untrue story about Bingo so that he (Wooster) will cut Bingo out of his will. The ruse works. Bingo is left penniless on Wooster’s death.

END OF PAPER