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. In English law what is meant by:

   (a) intention; and

   (b) recklessness.

What do these two states of mind have in common, what differentiates them, and why has there been uncertainty surrounding their definition?
4. David is a member of an ethnic and religious group that generally considers an emotional attachment to someone from outside that group as an affront to the family honour deserving of death. He discovers that his young daughter, Vicky, is planning to run away with Jerry, who is from outside the group. David and his son Peter confront Vicky and challenge her to deny the charge. She admits it and David and Peter in fury kill Vicky. They then find Jerry and attack him with an iron bar fracturing his skull. Jerry manages to escape and presents himself at hospital almost unconscious. The nurse on duty, thinking Jerry is drunk, has him removed from the premises. He is left on a bench outside the hospital. An hour later he dies. If he had been treated immediately, he would have survived.

Discuss.

5. Compare and contrast the defences of insanity and automatism.

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. (a) With reference to both case and statute law explain and discuss the meaning of appropriation for the purpose of the Theft Act 1968.

(b) Daniel takes his watch to a watch mender for a service. When he goes to collect the watch, he finds the shop unmanned and his watch lying on the counter. Annoyed that his watch has been so carelessly exposed to theft, he takes his watch and decides not pay for the service. In fact the watch had not yet been serviced.

Discuss.
8. Discuss Wayne's potential liability under the Fraud Act 2006 in each of the following scenarios. Do NOT discuss Wayne's liability for theft.

i. Wayne, desperate for the lavatory, goes into a private members’ club of which he is not a member. He winks at the doorman who assumes that he is a member and lets him through. Wayne uses the lavatory and, having washed his hands with the soap provided, leaves the club.

ii. Eve goes into Rustbucket Cars and asks to see some low mileage second hand cars. One attracts her particularly and she asks Wayne, the salesperson, ‘How many miles does this car do to the gallon?’ ‘60’, says Wayne although he knows that the fuel consumption is only 60 miles per gallon for motorway driving and only 35 miles per gallon under average conditions.

iii. Paul, an art dealer, sees Wayne's painting and, hoping for a bargain, offers Wayne $1m for it. Wayne realises that Paul thinks the painting is by the famous painter John Constable. In fact it was painted by Constable’s sister and is worth no more than $1,000. Wayne accepts Paul's offer.

iv. Wayne advertises his car for sale saying, 'BMW for sale. One year old. One careful owner, £25,000.' Sally comes to view the car and checks the mileage on the odometer which shows a recorded reading of 10,000 miles. On that basis she buys the car. In fact the car had done 110,000 miles but the odometer reading was faulty. Although Wayne was not responsible for the faulty reading he was aware of it. The car would be worth £25,000 if the reading was correct but in fact it is worth only £20,000 with its true mileage.

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