Criminal Law

Tuesday 5 May 2015: 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.

Permitted materials
Students are permitted to bring into the examination room the following specified document: one copy of one of the following: Blackstone’s Statutes on Criminal Law (OUP) or Sweet and Maxwell’s Statute Series: Criminal Law or Butterworth’s Student Statutes: Criminal Law or Core Statutes on Criminal Law (Palgrave Macmillan).
1. Adam and Eve are having an argument. Adam pulls out a gun and threatens to shoot Eve. Eve tells Adam he is a coward and would not dare. Without deliberating Adam pulls the trigger. The bullet misses Eve and hits the wall behind Eve causing the bullet to ricochet and hit Graham (who is standing six feet away) on the head. Graham falls down unconscious. Adam runs over to help Graham. He trips as he does so and falls on top of Graham, killing him.

Discuss.

2. Kimberly recently ended her relationship with Ben, a work colleague. Ben was very angry about this and decided to ‘teach her a lesson’. He sent her a number of obscene and abusive messages by email, and also left similar messages on her answering machine. Owing to this Kimberly suffered a severe psychological reaction and was absent from work for three months.

On her return to work, Kimberly saw Ben in a corridor. He was holding open a heavy glass door and as Kimberly approached he made a movement which made it appear as if he was about to swing the door at her. Kimberly jumped back in alarm, fell and broke her arm. Ben now says that he was only moving the door slightly ‘for a laugh’.

Richard, a colleague, became aware of these incidents. He approached Ben and told him ‘to pick on somebody your own size’. They agreed to ‘settle things’ in the boxing ring in the work’s gym. They fought together one evening and each suffered cuts and bruises.

Advise Ben and Richard as to their potential criminal liability.

3. Compare and contrast the partial defences of loss of self-control and diminished responsibility.

4. ‘Although core cases of murder and manslaughter may be easy to distinguish, there exists a substantial grey area where precise categorisation is difficult. Arguably this would not matter if judges had a complete sentencing discretion across the range of criminal homicides. They do not. Such discretion is available only for manslaughter. With murder however, a life sentence is mandatory.’

Discuss with particular reference to the major points of similarity and difference between the two offences.
5. Joey is sexually attracted to his neighbour, Phoebe, whom he (incorrectly) believes shares his feelings. One evening he invites Phoebe over to his house for a drink. After Phoebe has entered the house, Joey locks the front door and puts the key in his pocket. There have been several burglaries in the area and Joey always does this for security.

Joey pours Phoebe a drink and secretly slips into it a drug, which normally has the effect of loosening inhibitions. However, the drug has a different effect on Phoebe making her paranoid and terrified of Joey. Joey starts making sexual advances to Phoebe. In her state of confused paranoia Phoebe thinks that Joey will attack her if she does not submit. She also thinks she cannot escape because she saw Joey lock the door. As a result she submits to intercourse with Joey. Joey, believes, during intercourse, that Phoebe is consenting and that the drug has merely loosened Phoebe’s inhibitions a little. After the intercourse Phoebe goes home.

The next morning Phoebe decides to report the matter to the police. She is furious with Joey and phones him to tell him of her intentions. Joey is scared and decides he must kill Phoebe before she goes to the police. He decides to burn down Phoebe’s house which he hopes will cause her death. He is climbing over the back garden wall, armed with a can of petrol and matches, when another neighbour sees him and shouts out. Joey runs away.

Discuss the criminal liability of Joey.

6. (a) Jaycee, a law student, lends Amir his book, ‘Smith on Theft’. Finding it a touch dull, Amir puts it on a shelf and forgets about it, as does Jaycee. A few months later Amir discovers the book again and decides that it is not worth giving it back to Jaycee as the law course has ended. He determines to sell it at the first available opportunity but meanwhile leaves it on his shelf. A day later Jaycee telephones and asks Amir for the book. ‘Yes, I’ve got it’, he says. ‘I thought you’d forgotten about it. I was going to sell it.’

Discuss.

(b) Akande drives into a car park. He gets out of his car to purchase a car park ticket from the machine. Chichima, who is leaving the car park, spots him and calls out ‘Hi! Do you want my ticket? It still has two hours left. I don’t want any payment.’ Akande thanks Chichima and takes the ticket. An hour later Akande arrives back at the car park. Emengo, a friend of Akande’s, asks Akande if he can have his ticket. Akande replies “Yes, but I want £1 for it. Emengo pays him and takes the ticket.

Discuss.
7. ‘The common elements structuring the majority of criminal defences operate to negate criminal liability by virtue of the fact that the defendant’s conduct was a “one-off” reaction to a crisis which manifested no broader antisocial or dangerous disposition.’

Explain and discuss this statement by reference to at least THREE criminal defences.

8. Explain whether in each of the following scenarios if A is complicit in the crime of P:

(a) A encourages P to have intercourse with V. Neither he nor P knows that V is under age. Sexual activity with a minor is a strict liability offence for which P is liable.

(b) A, a gunsmith, sells a revolver type handgun to P. Although P has a licence for the gun, A suspects that the licence may be forged and that the gun may be used for a wrongful purpose including murder. P does use the gun for this purpose.

(c) P asks A, a gunsmith, for a replica gun which looks ‘as authentic as possible’. A believes it is to be used to hold up a bank but he sells P the gun anyway. In fact, P modifies the gun so that it is capable of firing bullets. He kills V, a counter assistant in a bank, with it.

(d) A, who does not like V, tells P, his friend, that V deserves a good beating and asks him to effect it. P goes round to V’s house and shoots him dead.

END OF PAPER