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. (a) The night after returning home after a long air flight, Andrew's sleep is disturbed by the sound of a couple having enthusiastic intercourse next door. Although still sleeping, Andrew, who has no history of sleepwalking, gets out of bed and enters his flatmate Bella's bedroom. Bella screams upon seeing him and tries to push him out of the door. Andrew pushes Bella on to the bed and has intercourse with her. Minutes later he awakes with no recollection of the intercourse.

Discuss any criminal offences which may have been committed by Andrew and any defences which may be available thereto.

(b) Jaz, as a prank, hides Vijay's insulin. Vijay, who is diabetic, suffers hyperglycaemia as a result, rendering him confused and listless. When Jaz tells Vijay what he has done Vijay punches Jaz and then he (Vijay) lapses into unconsciousness. Vijay's partner, Sarah, sees him lying on the floor and, guessing what has happened, locates some insulin and injects Vijay with it. This results in Vijay's complete recovery.

Discuss any criminal offences which may have been committed and any defences which may be available thereto. DO NOT consider Sarah’s potential liability under section 23 Offences Against the Person Act 1861.

2. Lazim, a malicious joker, blows up a paper bag and explodes it behind Mary's back. The shock causes Mary to jump sideways and bang her head on a cupboard door, causing bruising. Lazim then laces Zoe's face cream with roughly ground glass. The resulting abrasions turn septic necessitating head bandages, cortisone injections and a course of antibiotics. Zoe is left with slight scarring to the cheeks. Later Lazim gives Eve, a blind person, a false set of directions across town, hoping that she gets lost. Instead she suffers serious injury when she gets knocked over by a car on a road she mistook for a pavement. When Moeen, a police officer, hears what Lazim has done he runs after Lazim to arrest him. Lazim hides in a doorway intending, when Moeen runs past, to stick out his foot and trip him. By mistake, he trips up Noor, a young girl running home after school, causing her to cut her leg.

Discuss.
Mary and Peter are twin brother and sister. They have endured years of physical abuse at the hands of their father. After leaving home, they remain very angry about their father's treatment of them and decide to kill him. They order some poison from the internet and decide to leave it in his favourite whisky, knowing that he likes a daily 'night cap'. Their father drinks the whisky. However, they have actually ordered a harmless fruit juice and their father suffers no ill effects from the drink.

Peter is relieved to learn that they have not killed their father. Mary, on the other hand, is very angry that their father survives and decides that she will find another way to kill her father. One evening, her father tells her that her birth was a mistake and that neither he nor her mother has ever loved her. This sends her into a fury. Once her father's back is turned, Mary takes a saucepan and repeatedly hits him over the head with it. He later dies from his injuries. Peter is surprised but secretly pleased that Mary has killed their father.

Advise Mary and Peter on any criminal liability arising.

"If a death has been caused but the defendant does not intend to kill or cause grievous bodily harm, then providing the action or omission was not accidental any ensuing prosecution will be for manslaughter."

Explain and evaluate the law of involuntary manslaughter in the light of this statement.
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. “All criminal defences amount to the same thing. It is a defence to criminal liability if the defendant acts reasonably in the face of immediate crisis.”

Explain and evaluate this statement by reference to THREE of the following criminal defences:

(a) self-defence;
(b) duress;
(c) duress of circumstances;
(d) necessity.

8. (a) Adam, Eve’s boyfriend, asks Eve to supply him with information about the comings and goings of Cain, who inhabits an identical apartment in the same block as Eve. Eve does so. Adam uses the information provided to break into Cain’s apartment and kill him. Eve believed Adam’s plan was to commit burglary.

(b) Peter, knowing that Vicky will not consent, resolves to have intercourse with Vicky. He asks Wilma, her roommate, to be absent from the room so as to facilitate the rape. Wilma complies, assuming Vicky to be a willing partner.

(c) Igor attends Helen’s party where, known to Helen and with her encouragement, he drinks some wine. Helen knows that Igor has brought his car and suspects he may drive home in it but does not know how many units he has drunk. He is later stopped by the police and found to be driving with excess alcohol.

(d) Dolly asks Mick to kill Fay at her home. Mick does not kill Fay, but instead deliberately kills Godwin, Fay’s husband, when Godwin unexpectedly arrives home.

Consider the possible liability as an accomplice of Eve, Wilma, Helen, and Dolly to the crimes committed by Adam, Peter, Igor and Mick.

END OF PAPER