

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

A2 GCE

G153/01

LAW

Criminal Law

QUESTION PAPER

THURSDAY 12 JUNE 2014: Morning

DURATION: 2 hours

plus your additional time allowance

MODIFIED ENLARGED

Candidates answer on the Answer Booklet.

OCR SUPPLIED MATERIALS:

**12 page Answer Booklet (OCR12)
(sent with general stationery)**

OTHER MATERIALS REQUIRED:

None

READ INSTRUCTIONS OVERLEAF

INSTRUCTIONS TO CANDIDATES

Write your name, centre number and candidate number in the spaces provided on the front of the answer booklet. Please write clearly and in capital letters.

Use black ink. HB pencil may be used for graphs and diagrams only.

Read each question carefully. Make sure you know what you have to do before starting your answer.

Answer THREE questions; ONE from Section A, ONE from Section B and ONE from Section C.

When answering Section A and Section B questions you are required to demonstrate some synoptic thinking. In Section A this is achieved by relevant reference to precedent and/or statutory materials including the development of law and comments on justice or morality, where appropriate. In Section B this is achieved by relevant use of precedent and/or statutory materials in the application of legal reasoning to given factual situations including comment on the justice or morality of the outcome, where appropriate. You are not required to demonstrate synoptic thinking in Section C.

INFORMATION FOR CANDIDATES

The number of marks is given in brackets [] at the end of each question or part question.

The total number of marks for this paper is 120.

Candidates are reminded of the need to write legibly and in continuous prose, where appropriate. In answering SECTION A and SECTION B questions you will be assessed on the quality of your written communication (QWC) including your use of appropriate legal terminology. These questions are marked with an asterisk (*).

Any blank pages are indicated.

INSTRUCTION TO EXAMS OFFICER/INVIGILATOR

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Answer THREE questions.

Answer ONE question from Section A, ONE question from Section B and ONE question from Section C.

You are advised to spend 50 minutes on Section A, 50 minutes on Section B and 20 minutes on Section C.

SECTION A

Answer only ONE question from this section.

- 1★ ‘The need to update the common law offence of murder is as strong as ever if the law is to serve defendants, victims and society well.’**

Discuss the extent to which this statement is accurate. [50]

- 2★ ‘Insanity and automatism are defences which should be both clear in their application AND fair in their results. Too often the opposite is the case.’**

Discuss the extent to which this statement is accurate. [50]

- 3★ Discuss the extent to which the law on omissions offers protection to those who need it whilst also sending a strong deterrent message in the right circumstances. [50]**

SECTION B

Answer only ONE question from this section.

4* Tony works as a carer for Madge. When Madge is away for the weekend, Tony sells two of her pictures for £500 and keeps the money. A month later, Madge gives Tony £200 to pay her electricity bill and tells him to take £10 from her purse as a treat. Tony takes a £20 note from Madge's purse. Tony noticed a bicycle in a nearby garden several days ago and he rides it to the shop. Tony buys £50 worth of lottery scratch cards with the electricity bill money and replaces it when he wins £50 back. Tony pays Madge's electricity bill and buys a cup of coffee using the £20 note from Madge's purse. He is given change for a £50 note but says nothing. Walking back to Madge's house, Tony sees some flowers on a doorstep which he takes and gives to Madge.

Advise whether Tony is criminally liable for theft. [50]

5★ Duane and Florence have been married for eight years. Recently they have separated because Duane is drinking heavily. Duane is depressed and has been prescribed tranquilisers by his doctor and told not to take them when he has been drinking. Duane has taken his tranquilisers when he sees pictures of Florence with another man on a social networking website. He has several drinks and then goes to Florence's house to confront her. Florence says she is seeing someone who does not drink and makes her happy. Duane says, "He can't have you; I'm going to end it all". Florence replies, "You don't have the nerve". Florence shoves Duane hard. He runs into the kitchen and grabs a carving knife. Florence laughs at him and Duane stabs her several times, killing her. He dials 999 and when the ambulance arrives he tells them that everything went black and he is very sorry.

Advise whether Duane can raise any specific defences when he is charged with the murder of Florence. Do not discuss the offence of murder. [50]

6★ Nick is a heroin addict who lives with his girlfriend, Shannon. Robert has come to supply Nick with heroin but Shannon says they have no money. Nick pulls out a knife and runs at Robert. Robert grabs Shannon and pushes her towards Nick. Shannon trips and falls. She hits her head and dies. Nick is angry and demands some heroin from Robert. Robert hands over some pure and extremely strong heroin and Nick injects himself. After an hour, Nick appears to be asleep. Robert stabs Nick with the knife. There is a lot of blood and Robert thinks he has killed Nick. Robert leaves. Nick dies an hour later of a heart attack.

Advise whether Robert is criminally liable for the manslaughter of Nick AND Shannon. Do NOT discuss omissions or defences. [50]

SECTION C

Answer only ONE question from this section.

- 7 Martin runs a pub. Thomas the barman is told to check customers for proof of age. Thomas serves a girl a glass of wine. She has no proof of age. The girl is sixteen years old. Later, Thomas serves beer to a group of men. One of the group is an on duty plain-clothes police officer watching a criminal. Next day, Thomas eats some ham from the pub fridge. The fridge is too warm and the ham makes Thomas ill. Thomas lives in the pub and has some plants he asks Martin to water whilst he is on holiday. Police raid the pub as the plants are, in fact, cannabis.**

Evaluate the accuracy of EACH of the four statements A, B, C, and D individually, as they apply to the facts in the above scenario.

STATEMENT A:

Martin commits a strict liability offence when Thomas serves the girl.

STATEMENT B:

Thomas commits a strict liability offence when he serves the police officer.

STATEMENT C:

Martin commits a strict liability offence when Thomas is ill.

STATEMENT D:

Martin does NOT commit a strict liability offence as the plants belong to Thomas.

[20]

- 8 Paul approaches Samantha in the street. Paul puts his fingers in his pocket to look like a gun and points his fingers at Samantha. Samantha drops her bag and Paul picks it up. Paul and Tom go to a shop to steal some beer. Paul puts some beer in his coat. The shopkeeper tries to grab Paul. Tom hits the shopkeeper as they escape. Paul's father has asked Paul to look after his flat whilst he is away. Paul goes to the flat with Tom. Paul plans to sell his father's new laptop but once inside he sees there is no laptop. Tom drinks a bottle of wine belonging to Paul's father.**

Evaluate the accuracy of EACH of the four statements A, B, C, and D individually, as they apply to the facts in the above scenario.

STATEMENT A:

Paul will be guilty of the robbery of Samantha's bag.

STATEMENT B:

Tom will NOT be guilty of robbery as he did not steal the beer.

STATEMENT C:

Paul will NOT be guilty of section 9(1)(a) burglary when he enters the flat.

STATEMENT D:

Tom will be guilty of section 9(1)(b) burglary when he is in the flat.

[20]

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