

OCR

Oxford Cambridge and RSA

Tuesday 13 June 2017 – Afternoon**A2 GCE LAW****G153/01 Criminal Law****QUESTION PAPER**

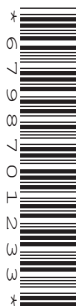
Candidates answer on the Answer Booklet.

OCR supplied materials:

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

Other materials required:

None

Duration: 2 hours**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.
- Write your answer to each question on the lined pages in the answer booklet. The question numbers **must** be clearly shown.
- 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 (*).
- This document consists of **4** pages. Any blank pages are indicated.

INSTRUCTION TO EXAMS OFFICER/INVIGILATOR

- Do not send this Question Paper for marking; it should be retained in the centre or recycled. Please contact OCR Copyright should you wish to re-use this document.

Answer **three** questions.

Answer **one** question from Section A, **one** 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*** Discuss the extent to which the rules of causation operate fairly. **[50]**
- 2*** Discuss the extent to which development of the defence of consent has been fair and consistent. **[50]**
- 3*** 'The offence of involuntary manslaughter is too wide-ranging.'
Discuss the case for reforming involuntary manslaughter. **[50]**

SECTION B

Answer only **one** question from this section.

- 4* Phil is desperate for money. He tells his girlfriend Kirsty to break into the house next door and steal any cash she can find. He grabs Kirsty's teenage daughter Emma and threatens to hurt her badly if Kirsty doesn't come back with some cash straight away. He also warns her not to call the police as he will be watching. Kirsty breaks in but fails to find anything of value to steal. Worried about returning empty-handed, Kirsty drinks half a bottle of vodka before leaving the property. When she returns Phil is holding a knife to Emma's throat and tells Kirsty that he is going to slash her face. Kirsty throws the bottle of vodka as hard as she can at Phil's head hitting him once. Phil dies.

Advise Kirsty on the potential **defences** which may be available to her against charges of burglary and murder. **Do not discuss the offences themselves.** [50]

- 5* Arthur is married to Debbie who is pregnant. Debbie's brother, Pete, is staying overnight. He is awoken in the early hours by screaming. He goes to the couple's bedroom to find Arthur beating Debbie over the head with a bedside lamp. Debbie and her unborn child both die. Arthur has a history of sleepwalking and when the police interview him he cannot remember anything except a nightmare in which he was hitting an enemy soldier over the head with his rifle.

PC Smith visits the house to speak to Pete. Pete is diabetic and has low blood sugar after failing to eat properly after taking insulin. He gets into an argument with PC Smith and lashes out uncontrollably, hitting him violently several times. PC Smith dies from his injuries.

Advise Arthur and Pete of their potential liability, if any, for murder and any defences that may be available to them. **Do not discuss voluntary manslaughter.** [50]

- 6* Daliso works in a bar. He takes home some beer glasses believing that this is a perk of the job. When Daliso is paid he notices that he has been overpaid by £120, but he says nothing and uses the money to buy a pair of jeans. Daliso has told his flatmates that he will organise a party but he has no cash for drinks. He decides to take the £55 they have given him as their contribution to the electricity bill. Daliso does not think £55 will be enough, so he also goes into his flatmate Richard's bedroom and takes £20 from a drawer believing that he will not notice. As Daliso is about to leave the room, Richard returns. Daliso pushes him out of the way and runs off.

Advise Daliso of his potential criminal liability, if any, for offences under the Theft Act 1968. [50]

SECTION C

Answer only **one** question from this section.

- 7 Imogen wishes to kill her husband, Brian, after finding out he is having an affair. She buys some poison and puts a lethal dose into Brian's coffee. Brian sees what she is doing through the window and does not drink the coffee. In an act of revenge, Brian wires up the garage door in order to teach Imogen a lesson by causing her a nasty shock when she opens it. When Imogen parks on the driveway instead, he waits for her to go to sleep, goes upstairs and stabs her repeatedly. He does not realise that Imogen had died of a heart attack an hour before.

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: Imogen is guilty of attempted murder when she buys the poison.

Statement B: Imogen is guilty of attempted murder when she pours the poison into the coffee.

Statement C: Brian is not guilty of attempted murder when he wires up the garage door.

Statement D: Brian is guilty of attempted murder when he stabs Imogen despite the fact that she is already dead. [20]

- 8 Tom runs a café bar. He has given a customer food poisoning by serving them out-of-date prawns. He was assured by the seller of the prawns that they were fresh and fit for human consumption. Tom also serves a customer alcohol without realising he was already drunk. Tom's 16-year-old son, James, is the bar's DJ. He broadcasts music illegally over the radio which interferes with the emergency services' radio frequency. James' friend works in a betting shop and allows him to place a bet on a horse. His employer, Marcus, has warned him not to allow underage gambling.

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: Tom is **not** guilty of a strict liability offence when the customer is poisoned, because the seller of the prawns assured him they were fresh.

Statement B: Tom is guilty of a strict liability offence when he serves the customer alcohol.

Statement C: James is guilty of a strict liability offence when he broadcasts music illegally.

Statement D: Marcus is guilty of a strict liability offence when James is allowed to place a bet. [20]

END OF QUESTION PAPER

OCR
Oxford Cambridge and RSA

Copyright Information

OCR is committed to seeking permission to reproduce all third-party content that it uses in its assessment materials. OCR has attempted to identify and contact all copyright holders whose work is used in this paper. To avoid the issue of disclosure of answer-related information to candidates, all copyright acknowledgements are reproduced in the OCR Copyright Acknowledgements Booklet. This is produced for each series of examinations and is freely available to download from our public website (www.ocr.org.uk) after the live examination series.

If OCR has unwittingly failed to correctly acknowledge or clear any third-party content in this assessment material, OCR will be happy to correct its mistake at the earliest possible opportunity.

For queries or further information please contact the Copyright Team, First Floor, 9 Hills Road, Cambridge CB2 1GE.

OCR is part of the Cambridge Assessment Group; Cambridge Assessment is the brand name of University of Cambridge Local Examinations Syndicate (UCLES), which is itself a department of the University of Cambridge.