

OCR

Oxford Cambridge and RSA

Tuesday 12 June 2018 – Morning

A2 GCE LAW

G153/01 Criminal Law

QUESTION PAPER

Candidates answer on the Answer Booklet.

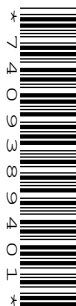
OCR supplied materials:

- 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.

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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 law of omissions operates fairly and effectively. **[50]**
- 2*** Discuss the extent to which the social benefits achieved through strict liability offences outweigh any potential drawbacks. **[50]**
- 3*** 'The rules of insane and non-insane automatism have been inconsistently and unfairly applied by the courts.'
- Discuss the extent to which this statement is accurate. **[50]**

SECTION B

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

- 4* Ann asks her boyfriend, Joe, to 'brand' the letter J on her upper arm. She is keen to show off how proud of Joe she feels. Ann's burns require hospital treatment. Joe knows that he is HIV positive. He does not tell Ann, who has consensual sex with him. She contracts HIV. Ann breaks up with Joe and moves in with her parents. Joe texts Ann up to fifty times a day for a month. He tells her that he is watching her every move. She becomes so anxious and depressed that a doctor diagnoses her with severe clinical depression. Ann confides in her brother, Ruben, and tells him how Joe is affecting her. Ruben sees Joe in the street. Ruben angrily tells Joe that he will teach him a lesson he will never forget and punches him three times in the face breaking his jaw.

Advise whether Joe and Ruben are liable for any **non-fatal offences** against the person, including any **relevant defences**. [50]

- 5* Anton is a chef of a restaurant who likes to use local ingredients. Whilst walking to work, he sees some mushrooms growing in the wild. He picks them to use in the restaurant. After a busy day in the kitchen, Anton wants a drink from the bar. He cannot afford his usual brand of bottled beer so he peels the label off a cheaper bottle, switches it to the more expensive bottle and pays the lower price to the barman. He sees that a customer has left their handbag and looks inside to see if there is anything worth taking. There isn't. He takes £200 out of the restaurant safe and goes to a dog racing track. He plans to replace the money in the morning with his winnings. Anton wins £100 but is given £1000 by mistake. Anton says nothing. He returns the £200 to the safe and decides to spend the remaining money on a new set of knives.

Advise whether Anton is criminally liable for **theft**. [50]

- 6* Bobby's wife recently died in a car crash. He blames her father, Roy, who was driving the car. Bobby has been diagnosed with depression and is having counselling. Roy invites Bobby for a game of pool at the local pub. Bobby has a lot to drink. Roy asks Bobby why he has not seen him since the funeral. Bobby shouts, "Because you killed my wife! If you weren't so old and such a terrible driver she'd be alive!" Roy shouts back telling Bobby that he was never good enough for his daughter and that she would be ashamed of him. Bobby hits Roy with the pool cue repeatedly. Roy dies of his injuries.

Advise whether Bobby is criminally liable for murder and whether any defences may be available under the **Coroners and Justice Act 2009**. [50]

SECTION C

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

- 7*** Amanda prepares a syringe of heroin and passes it to her friend Tooba who self-injects. Tooba quickly shows signs of an overdose. Amanda covers her with a blanket, and hopes she will recover. Tooba's boyfriend, Zain, turns up and drives her to hospital. He is speeding when he enters the car park. He fails to stop at the pedestrian crossing and hits George who dies. Doctor Johnson is on duty. He fails to follow standard hospital rules to check whether Tooba has any allergies before giving her a large dose of antibiotic. Tooba has a severe allergic reaction and dies.

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: Amanda will **not** be liable for the unlawful act manslaughter of Tooba.

Statement B: Amanda will be liable for the gross negligence manslaughter of Tooba.

Statement C: Zain will be liable for the reckless manslaughter of George.

Statement D: Doctor Johnson will **not** be liable for the gross negligence manslaughter of Tooba. [20]

- 8*** Josh intends to steal property from his neighbour Mavis. He tells Mavis that he is locked out of his house. Mavis invites Josh in and goes to make him a cup of tea. Josh steals a clock from Mavis's bookshelf. As he leaves, Mavis realises he has taken her clock and challenges him. Josh ties her to her chair so that he can escape. He also cuts Mavis's telephone line to stop her alerting the police.

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: When Josh enters Mavis's house he is **not** liable for section 9(1)(a) burglary since Mavis invited him in.

Statement B: Josh commits section 9(1)(b) burglary when he steals Mavis's clock.

Statement C: Josh commits section 9(1)(b) burglary when he cuts Mavis's telephone line.

Statement D: Josh does **not** commit robbery when he ties Mavis up in order to escape. [20]

END OF QUESTION PAPER

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