

UNIVERSITY OF LONDON

265 0010 ZA

269 0010 ZA

277 0101 ZA

DIPLOMA IN LAW

LLB EXAMINATION

for External Students

INTERMEDIATE EXAMINATION (Scheme A)

FIRST AND SECOND YEAR EXAMINATIONS (Scheme B)

GRADUATE ENTRY LEVEL I (Route A)

GRADUATE ENTRY FIRST YEAR (Route B)

BSc DEGREES

for External Students

MANAGEMENT WITH LAW, LAW WITH MANAGEMENT, ACCOUNTING
WITH LAW AND LAW WITH ACCOUNTING FOR STUDENTS IN THE
EXTERNAL PROGRAMME

Criminal Law

Wednesday 13 May 2009 : 10.00 - 1.15 pm

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.

1. Under what circumstances may a person be criminally liable for a failure to act?
2.
 - (a) Could the reasoning in the cases of *Roberts* (1971) and *Williams and Davis* (1992) be said to conflict with that in the case of *Blaue* (1975)?
 - (b) Anna stabbed Iqbal. Iqbal was seriously injured. He was taken to hospital and placed on a life-support machine. One night, an intensive-care nurse, Norah, who hated money being wasted on expensive life-support machinery and without being authorised to do so, switched off the life support machine. Iqbal died.

Consider Anna's and Norah's possible criminal liability for murder.

3. Fred and Marcus had fought because Marcus was angry with Fred for having carved the letter 'F' on to Livia's arm using a penknife. Livia is Marcus's 14-year-old daughter, who begged Fred to do this as she was in love with him. Fred had reluctantly agreed. The wound was not serious, although it did require one stitch. Fred and Marcus decided to settle their differences by having a fight. Fred punched Marcus, knocking him over and causing him to fracture his skull. Fred ran away when the police were called.

As Fred was making his way home, a beggar, Beryl, who was carrying a baby in her arms, approached him and asked him for money to feed the baby. This incensed Fred who hated beggars. He sprayed after-shave cologne in Beryl's face causing her to drop the baby which bruised it slightly.

The police then caught up with Fred. PC Bill tried to arrest him. Fred pushed PC Bill out of the way in an attempt to get away, causing PC Bill to stagger. In an effort to save himself from falling, PC Bill put his arm out and pushed it through a shop window, sustaining severe cuts to his arm.

Discuss the possible criminal liability of Fred.

4. Egor, who had a history of depression and schizophrenia, and his wife Irina were eating in a restaurant. Egor was taking medication for his condition and was therefore not drinking alcohol. He was trying to reassure Irina who had received threatening letters from her ex-husband Alexey. All of a sudden, Alexey, who was very drunk, burst into the restaurant and stormed over to Egor and Irina's table shouting: 'You stole my wife! You must die!' Egor was alarmed. He picked up the heavy water jug from the table and threw it at Alexey. It hit Alexey on the head and he fell to the floor, unconscious. The sight of Alexey lying on the floor enraged Egor as he remembered the letters Alexey had sent to Irina. He was also worried that Alexey might wake up and kill him. He repeatedly kicked Alexey who died of a fractured skull before an ambulance could be called.

Discuss Egor's criminal liability.

5. "Self-induced intoxication is never accepted by the courts as an excuse for committing an offence."

Discuss.

6. On her way out from her workplace, Jenny found £50 which she used to buy a pair of shoes to go with the gown she had bought for her firm's centenary ball. She later overheard someone in her office saying that they had lost £50 but she did not return the money.

While chatting to her colleagues, she discovered that her firm had set up a fund to contribute £100 towards the cost of a ballgown for each female worker who could demonstrate financial hardship. Although, initially, she did not apply for this, as she had already bought her gown and was not in financial difficulties, after hearing that all of her female colleagues intended to do so, whether or not they had already purchased their gowns, she applied for the money stating that she was in financial difficulties. She thought it was probably alright as she knew that none of her colleagues was in financial difficulties either. She did not get the money as, by the time her application was received, she was told the fund had been spent.

On the day of the ball, Jenny went to the hairdressers which was offering a 20% discount to students. She had borrowed her sister's student union card which she showed to the receptionist and obtained the discount.

When she arrived at her house, Jenny noticed that her next door neighbours were having a delivery of shopping. She had forgotten to buy anything for her lunch and was hungry and so, hoping they would not mind, took a microwave meal from one of the shopping bags, putting £5 through their letter box.

Consider Jenny's possible criminal liability.

7. Antoine enjoyed dressing up as a woman and so every Sunday he wore his sister's clothes and called himself Antoinette. One Sunday, at his local pub, a visitor to the area, Geezer, starting chatting to him. Very quickly Antoine realised that Geezer thought he really was a woman and was sexually interested in him. Antoine did not tell Geezer the truth as Geezer was rather rough and Antoine was a little nervous of him. What Antoine did not know, however, was that Geezer was even more interested in Antoine's Cartier watch which he thought would make a nice gift for his wife. He told Geezer that he was going to 'powder his nose' and took himself off to the men's lavatory to think about how he was going to get away from Geezer. Geezer, however, came into the lavatory and was shocked to see 'Antoinette' there. As he came to realise what was going on, he became extremely angry at having been fooled. He ripped off Antoine's clothes and forcibly penetrated him with a bar of soap. He then held Antoine down while he removed his watch. He put it in his pocket and ran off.

Antoine, who was, by now, very distressed, put his clothes back on and left the pub. He thought a cup of tea might make him feel better and so went into a café where he ordered tea and toast. When he offered to pay, he was told that a bill would be brought to his table and that he should pay the cashier at the door as he left the café. When he had finished, he left the café without having paid. He was subsequently diagnosed with post-traumatic stress disorder and claims that he did not know what he was doing when he left the café.

Consider the possible criminal liability of Antoine and Geezer.

8. Priya and her twin brother Dipak - both aged 16 - hated their next door neighbour, Hans. He swore at them if they made a noise and they were convinced that he spied on them and reported everything they did to their parents who were abroad. They decided that it was time to teach Hans a lesson and that Dipak would break into Hans' house and give Hans a fright while Priya kept watch outside.

The following night, while Priya kept watch, Dipak entered Hans' house dressed as a skeleton, using a spare key he had found under a flowerpot. He put the key back once he had opened the front door. On his way to Hans' bedroom he spotted a £20 note on the table and decided to take it. He then went into Hans' bedroom, gently climbed on to the end of the bed and started vigorously jumping up and down shouting: "We're coming to get you!" Hans woke up and was so terrified he had a heart attack and died instantly.

Consider the possible criminal liability of Dipak and Priya.

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