

UNIVERSITY OF LONDON

265 0010 ZB

269 0010 ZB

277 0101 ZB

**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. 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 had 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.

2. (a) John, who did not like doctors but instead believed in the power of prayer and natural healing, went to stay with his friend Luke. Luke was not very clean and always forgot to throw old food away. John ate a piece of cooked meat which he found in the kitchen, not realising it had gone mouldy. He contracted food poisoning and began to feel very ill. Luke wished to call a doctor but John refused to allow it. Eventually John fell into a coma. Luke waited for a day hoping that John would wake up but he did not. Luke then called for an ambulance but it was too late. John died on the way to hospital.

Consider Luke's possible criminal liability for gross negligence manslaughter.

- (b) Under what circumstances might an existing duty to act cease?

3. (a) Does the reasoning in the cases of *Roberts* (1971) and *Williams and Davis* (1992) conflict with that in the case of *Blaue* (1975)?
- (b) Natalia stabbed Ivan. Ivan was taken to hospital where he was told he needed emergency surgery and a blood transfusion. Ivan was a Jehovah's Witness. One of the tenets of this religion is that its adherents must not accept the blood of another. Ivan, despite being told that if he did not have a transfusion he would probably die, refused the blood. He died.

Consider Natalia's possible liability for murder.

4. James had been sexually abused as a child and, as a consequence, still suffered from mild bouts of depression. One night, after spending a happy evening drinking heavily, he left his local pub with his workmate, Vicky. As Vicky was too drunk to travel home, they decided to go and sleep it off at James's flat. James gave Vicky his bed and then went to sleep on a chair.

In the middle of the night, James woke up and was startled to find Vicky kissing him and undoing the zip of his trousers. He pushed her away but she would not stop and he became very angry. Intending serious harm, he grabbed her by the throat and hit her head against the wall. Vicky died.

Consider James's possible criminal liability for Vicky's death.

5. To what extent should voluntary intoxication limit a person's criminal liability?

6. Kevin was a used-car dealer. One day Eric came into Kevin's showroom to look at some cars. Kevin showed him around and said of one particular car: 'This is a good little car. I would stake my life on her.' He went on to say that the car had only had one careful owner, a nun who used it to do the shopping for the convent, and that there were only 5,000 miles on the clock. It had, in fact, belonged to a car-hire company and been driven for 140,000 miles. Kevin had stolen it from the car-hire company. Eric bought the car.

Later that day, Kevin thought that it was time he completed his income tax return for the Inland Revenue. As most of his sales were for cash and not recorded he did not declare them on the form which he completed online. Having done so, he then clicked the 'send' icon feeling very pleased with himself for having reduced the amount of tax he had to pay but, due to a glitch on the Inland Revenue's website, his form was not received.

Kevin's daughter, Chardonnay, worked in a charity shop. Somebody had donated a coat to the shop and, as Chardonnay liked it and had forgotten to bring her own coat, she decided to take it instead of putting it on sale.

The charity shop paid its employees in cash every week. When Chardonnay opened her pay packet she discovered that she had been overpaid by £50. She decided to keep it.

Discuss the possible criminal liability of Kevin and Chardonnay.

7. (a) When is an act 'sexual' for the purposes of the Sexual Offences Act 2003?
- (b) Jake, an artist, was a member of a cult which persuaded him that women always wanted sex and when they said "no" they really meant "yes". The cult's mission was to encourage its members to 'give sexual pleasure to womankind'. Jake decided that, to be faithful to the cult, he should have sexual intercourse with his long-term platonic friend, Anna. Anna had always made it clear to Jake that they would never be more than very good friends but Jake now believed that she did not mean this. He went to her bedroom where she was asleep and climbed into bed with her. Anna woke up but was very sleepy and Jake had sex with her. She only vaguely recalled this incident the following morning.

Consider Jake's possible criminal liability.

8. Jessica and her husband, Tariq, both aged 85, were disappointed that they had not won the local 'Elderly Pop Idol' competition. The competition was won by Fifi and Salvatore, their neighbours, who had been awarded a trophy. Fifi and Salvatore were only in their early sixties. Jessica and Tariq agreed to break into Fifi's and Salvatore's house to steal the trophy. They broke a window, climbed into the house and found the trophy. As they were leaving with it, Fifi, disturbed by the noise they had been making, came into the room singing loudly. They could not bear to listen and so they dropped the trophy and ran away.

As they were leaving Fifi's and Salvatore's house, Jessica, who had, that day, forgotten to take the insulin she needed to control her diabetes, began to behave strangely. She punched the wall and, in doing so, knocked down a burning oil lamp which started a fire. Although the fire damage was quite extensive, everybody managed to get out of the house and nobody was hurt.

Consider the possible criminal liability of Jessica and Tariq.

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