

UNIVERSITY OF BOLTON

BUSINESS AND CREATIVE TECHNOLOGIES

LAW PATHWAY

SEMESTER 2 EXAMINATIONS 2010/2011

CRIMINAL LAW

MODULE NO: LAW 1503/LAW1207

Date: 6th June 2011

Time: 2:00pm – 3:30pm

INSTRUCTIONS TO CANDIDATES:

There are THREE questions on this paper.

Answer ALL questions.

All questions carry equal marks.

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Q1. Angelina had invited Brad back to her flat to have sex. Brad and Angelina engaged in sex and Angelina was particularly aggressive, biting Brad on the lip and drawing blood. The injury was such that Brad had to visit the local hospital for treatment.

When Brad went to the local hospital to have his wound seen to he met an old friend, Stan. Stan, who had been suffering from a serious mental illness for a number of years, was accompanied to the hospital by his wife, Manuka. Unbeknown to Stan, Manuka had been having an affair with one of the nurses, George.

Stan discovered Manuka and George kissing in one of the cubicles. Enraged Stan picked up a scalpel and ran at George saying he would kill him. Stan tripped and fell into Jane, who was eight months pregnant. The scalpel plunged into Jane, fatally injuring the foetus.

Required:

Advise the parties as to their criminal liability, if any.

Would your answer be any different if, after Brad and Angelina had sex, Brad revealed he had a sexually transmitted disease?

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Q2. Cameron and Brian were staying at his mother's house for the weekend. Also living in the house was Sheila, Brian's sister, who hated both Brian and Cameron. One evening, after Cameron had gone to bed, Sheila told Brian that if he didn't steal the television from their next-door neighbour, Ahmed, then she would kill Cameron.

On the pretext of wanting some advice on a criminal matter, Brian went to the neighbour's house. His neighbour, Ahmed, was a policeman and invited Brian into the house. Whilst Ahmed was in the kitchen Brian took the television.

Two days later Ahmed, who was off-duty, saw Brian walking along the road. He shouted to Brian but Brian ran away as soon as he realised who it was. Ahmed ran after Brian and pursued him along the road. In order to escape from Ahmed, Brian jumped into Nyla's car, which was stopped at the traffic lights at the end of the road. Nyla had witnessed the chase in her rear-view mirror and thought Brian was in danger. Brian escaped from Ahmed when Nyla drove through the traffic lights which were still on red.

Nyla stopped the car once Ahmed was no longer a threat. Brian thanked Nyla and exited the car. Nyla then noticed that she was low on petrol and filled up at a petrol station but drove off before paying for the petrol.

Required:

Advise the parties as to their criminal liability, if any.

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Q3 Robin Swine had just left a library to make his way home when it started to rain. He saw a car parked in the road and he broke the window to gain access and he then drove the vehicle away.

Robin abandoned the car when the rain had stopped but as he exited the vehicle he noticed that there was a toy dog in the car which Robin took as he believed the toy dog belonged to his son, Smurf.

The car that Robin had taken belonged to Big Dave, a local gangster. Big Dave found out that it was Robin who had taken his car. Big Dave met with his friend, Fingers, and suggested to Fingers that they kill Robin. Fingers agreed and went to see Ivor Gunn to buy a revolver. Fingers told Ivor that he required the revolver in order to take part in a robbery. When Ivor was distracted Fingers took a small handgun to give as a present to his wife.

Big Dave also arranged for Willie Eckerslike to drive the car that would be used to drive to Robin's house.

On the day chosen for the shooting, Willie telephoned Big Dave and said that he would not be able to drive the car as there was a special offer on at his local supermarket and he did not want to miss it. Big Dave screamed down the telephone at Willie saying he would hurt him for letting him down.

Big Dave drove the car himself and he and Fingers went to Robin's house. While Fingers waited in the car Big Dave walked up the path to Robin's house and, when Robin opened the door, Big Dave shot and killed him. On the way back to the car Big Dave noticed some flowers growing in the garden and he picked a bunch to give to his mother.

Required:

- a) Advise the parties as to their criminal liability, if any.
- b) Would your answer be any different if Robin had been drinking alcoholic drinks for most of the evening?
- c) Would your answer be any different if, when Big Dave went to Robin's house to shoot him, Robin confronted Big Dave with an axe before Big Dave had produced the gun?

END OF QUESTIONS

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