

## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 3 – CRIMINAL LAW\*

**Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time**

#### Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **This question paper is divided into TWO sections. You must answer ALL the questions from Section A. There are three scenarios in Section B. You must answer the questions relating to ONE of the scenarios from Section B ONLY.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities decided cases and examples should be used where appropriate.

#### Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

**Do not turn over this page until instructed by the Invigilator.**

\* This unit is a component of the **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

## SECTION A

### (Answer ALL questions in Section A)

1. Define the term 'actus reus'.  
**(2 marks)**
2. Identify **two** types of mens rea.  
**(2 marks)**
3. Explain the requirements to establish the defence of 'lawful excuse' to the offence of criminal damage.  
**(4 marks)**
4. State the actus reus of murder.  
**(3 marks)**
5. Identify **two** homicide offences (created by statute) to cover specific situations.  
**(2 marks)**
6. State the actus reus of theft.  
**(3 marks)**
7. Define the offence of 'attempt' under s.1(1) Criminal Attempts Act 1981.  
**(4 marks)**
8. Explain the circumstances in which voluntary intoxication will be a defence.  
**(4 marks)**
9. Explain the defence of self-defence, as set out in s.76 Criminal Justice and Immigration Act 2008.  
**(4 marks)**
10. Explain **two** of the factors used to determine whether an offence is one of strict liability.  
**(2 marks)**

**(Total Marks for Section A: 30 marks)**

## **SECTION B**

**(There are three scenarios in Section B. Answer the questions relating to ONE of the scenarios ONLY)**

### **Scenario 1**

Dave and his girlfriend Monique, both aged 21, were on their way home one January evening in Dave's car. They started having a heated argument about their relationship, and Dave parked up in a secluded spot. Monique started taunting Dave about his lack of maturity in dealing with their finances and his poor job prospects, saying that he was inadequate as a partner. She also told him that she had been seeing someone else. Dave felt humiliated and betrayed. He shouted: 'If I can't have you, then nobody will'.

He then reached under the car seat, where he kept a knife, picked it up and stabbed Monique in the stomach several times. Monique went limp and slumped forward, unconscious. Believing that he had killed her, Dave dragged Monique out of the car and rolled her down a hill into the undergrowth. She came to rest face down in a shallow dip in the ground. Although Monique had suffered serious injuries, she was not actually dead. It rained during the night, the shallow dip filled with rainwater and Monique drowned.

On the way home, Dave was not concentrating and drove erratically. He failed to notice a bend in the road until the last moment. He braked sharply, and the car skidded off the road, hit a tree and overturned. Dave suffered several serious puncture wounds and was knocked unconscious. A short while later, a passing motorist stopped and immediately called for an ambulance, which quickly arrived and took Dave to hospital.

The surgeon at the hospital, Dr Jones, failed to conduct an ultrasound scan before operating. Such a scan is standard practice for incidents of this nature. As a result, Dr Jones missed serious internal injuries, and Dave died of these injuries in hospital two days later.

## Scenario 1 Questions

1. In relation to Dave's actions against Monique:
  - (a) identify the offence which may have been committed and the elements of that offence;  
**(7 marks)**
  - (b) explain how the elements of the offence apply to Dave;  
**(4 marks)**
  - (c) explain whether Dave's acts have caused Monique's death.  
**(7 marks)****(Total: 18 marks)**
  
2. (a) Explain which partial defence Dave may be able to rely on.  
**(6 marks)**
  - (b) Explain whether this partial defence will be successful and why.  
**(5 marks)****(Total: 11 marks)**
  
3. In relation to Dr Jones' actions:
  - (a) identify the offence and the elements of that offence with which Dr Jones may be charged;  
**(6 marks)**
  - (b) explain how the elements of the offence apply to Dr Jones.  
**(5 marks)****(Total: 11 marks)**

**(Total Marks for Scenario 1: 40 marks)**

## **Scenario 2**

Betty, aged 19, is part of a well-known local drugs gang. The gang use intimidating tactics, both within the gang and to outsiders, to make money and to keep rivals out of their area.

One day, Betty decided to go into town to look at clothes. She went into a large department store and headed for the fashion section. Once there, she saw a skirt that she liked. Having no money with her, she looked around to make sure no one was nearby, took the skirt off the rail and stuffed it into her bag. Betty then made her way towards the exit, but saw a security guard at the door, so she took the skirt from her bag and threw it behind a display. She then left the department store.

Once outside, Betty went to an outdoor café, where she ordered a tea. While sitting at her table, she noticed an open bag on the floor by the table next to her. Betty saw a purse in the bag and, as the owner of the bag was looking the other way, Betty decided to take it. As she put her hand in the bag, and before touching the purse, the owner turned back towards Betty, who quickly got up and walked off.

Betty arrived home to find Mark, the leader of the drugs gang, waiting outside her house. He told her that a rival gang had just arrived in the area and were selling drugs. They had parked their car in a local side street and left it there. Mark told Betty to set fire to the car and that, if she didn't, he would break both her legs. Frightened by this, Betty went and set fire to the car.

## Scenario 2 Questions

1. In relation to the skirt:

(a) identify the offence that Betty may have committed, and the elements of that offence;

**(4 marks)**

(b) explain how the elements of the offence may apply to Betty.

**(6 marks)**

**(Total: 10 marks)**

2. In relation to the incident at the café:

(a) identify the offence with which Betty may be charged and the elements of that offence;

**(6 marks)**

(b) explain how the elements of the offence apply to Betty.

**(4 marks)**

**(Total: 10 marks)**

3. In relation to the car:

(a) identify the offence with which Betty may be charged and the elements of that offence;

**(6 marks)**

(b) explain how the elements of the offence apply to Betty;

**(4 marks)**

(c) explain any defence which Betty may have and whether or not this defence will be successful.

**(10 marks)**

**(Total: 20 marks)**

**(Total Marks for Scenario 2: 40 marks)**

### **Scenario 3**

Marco and Emily were spending an evening having a meal at a local restaurant. Emily is teetotal, but Marco is a heavy drinker. During the evening, he consumed two bottles of wine and five cans of strong lager. After finishing their meal, they moved across the road to a wine bar, where they sat on high bar stools outside the wine bar on the pavement. Marco continued drinking alcohol and, after a few more alcoholic drinks, he started arguing with Emily about their relationship. The argument became heated, and Marco pushed Emily backwards off her stool. She fell headfirst onto the pavement, fracturing her skull and losing consciousness. Marco ran off.

An ambulance was called, but was severely delayed in arriving at the wine bar. Emily was eventually taken to hospital and, on arrival, the medical staff quickly ascertained that she had also suffered massive internal bleeding. Her medical notes were consulted, and the staff saw that because of her beliefs, she had stated that she should not be given a blood transfusion under any circumstances. She died a short while later from loss of blood.

The medical staff informed Emily's next of kin, her brother Richard, of the circumstances of the incident, when he later arrived at the hospital. On leaving the ward, Richard saw a small brown purse on the floor. He took the purse, thinking that it was Emily's. In fact, it was not Emily's, but belonged to someone else.

### Scenario 3 Questions

1. In relation to Emily's death:
  - (a) identify the offence with which Marco may be charged and the elements of that offence;  
**(6 marks)**
  - (b) explain how the elements apply to Marco.  
**(4 marks)****(Total: 10 marks)**
  
2. Explain whether Marco caused Emily's death.  
**(9 marks)**
  
3. (a) Explain the defence of intoxication.  
**(8 marks)**
  - (b) Explain whether this defence will be successful in Marco's case.  
**(3 marks)****(Total: 11 marks)**
  
4. Richard is charged with theft of the purse.
  - (a) Describe the general defence that may be available to Richard.  
**(6 marks)**
  - (b) Explain whether this general defence is likely to be successful.  
**(4 marks)****(Total: 10 marks)**

**(Total Marks for Scenario 3: 40 marks)**

**End of Examination Paper**