



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 3 – CRIMINAL LAW*

Time allowed: 3 hours 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.
- **All questions carry 25 marks. Answer FOUR only of the following EIGHT questions. This question paper is divided into TWO sections. You MUST answer at least ONE question from Section A and at least ONE question from Section B.**
- Write in full sentences – a yes or no answer will earn no marks.
- **Candidates may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Criminal Law 2020 – 2021, 30th edition, Matthew Dyson, Oxford University Press, 2020.**
- 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 following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW and the LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE**

SECTION A
(Answer at least one question from this section)

1. Critically evaluate whether the Majewski Rule in relation to the defence of voluntary intoxication is fit for purpose.

(25 marks)

2. (a) Critically evaluate whether the offence of gross negligence manslaughter should be subject to criminal sanctions.

(14 marks)

- (b) Critically evaluate whether the decision in the case of R v G and Another (2003) has clarified the law in relation to recklessness.

(11 marks)

(Total: 25 marks)

3. The decision of the Supreme Court in the case of R v Jogee (2016) has removed the unfairness and provided clarity in respect of secondary party liability for murder.

Critically evaluate the above statement.

(25 marks)

4. (a) The definition of appropriation in relation to the offence of theft is so widely interpreted that liability for theft will generally be determined by the *mens rea* elements.

Critically evaluate the above statement.

(13 marks)

- (b) Critically evaluate whether the current test for dishonesty is fit for purpose in relation to the offence of theft.

(12 marks)

(Total: 25 marks)

SECTION B
(Answer at least one question from this section)

Question 1

Ioan and Olivia had been married for 10 years. Ioan was fed up, as Olivia was always in a bad mood and was always complaining at him, so he started to go to the pub every night after work, to delay going home. Ioan became friendly with Rochelle, the barmaid. Ioan and Rochelle began an affair.

One evening, Ioan came home from the pub and told Olivia that he was leaving her, as he had been having an affair with Rochelle and he wanted to be with Rochelle instead.

Olivia was so upset that she fled from the house and went straight to the pub to confront Rochelle. Ioan chased after her. Rochelle was behind the bar washing glasses, when Olivia entered the pub and confronted her.

Rochelle apologised to Olivia and accepted that she had been having an affair with Ioan. Olivia grabbed a glass off the bar, smashed it and was about to walk towards Rochelle, when Ioan rushed into the pub.

Ioan furiously asked Olivia what she was doing as he strode towards her. Olivia was still holding the broken glass in her hand. She turned round and Ioan grabbed her wrist in an attempt to make her drop the glass. Olivia thought that Ioan was going to assault her, so she thrust her hand out towards Ioan and stabbed him in the neck with the broken glass.

Ioan died instantly, as Olivia had severed the main artery in his neck.

Advise Olivia of her potential criminal liability, together with any defences that may be available to her.

[Note to candidates: Do not consider any potential offences that may have been committed by Ioan.]

(25 marks)

Question 2

Katie, who is 16 years old, had been invited to her friend Lola's party. Lola told Katie to bring some alcohol with her, as Lola's parents were away for the weekend.

Katie didn't have any money, so she went to visit her grandmother in her flat.

While Katie was making a cup of tea for them both, she looked in her grandmother's old biscuit tin, where she knew her grandmother kept her money. She could see that there was quite a lot of money in the tin. She put the lid back on the tin and carried on making the tea.

Katie's grandmother's flat was on the ground floor so, later that evening, when she thought that her grandmother would be asleep, she returned to the flat, with the intention of stealing some money from the biscuit tin.

Katie prised open the bathroom window, which was not secured properly, and was about to climb in through the window, when she heard her grandmother approaching. She shut the window and went home. There was no damage caused to the window.

Katie went back to her grandmother's flat the following evening, as she knew that her grandmother would be at bingo. Again, she knew she could enter through the unsecured bathroom window. Once inside, she took the tin from the cupboard and opened it.

There was at least £150 in the tin, so Katie took £20 and put the tin back in the cupboard.

(a) Advise Katie of her potential criminal liability.

[Note to candidates: Do not consider any potential defences that may be available to Katie.]

(9 marks)

Mustafa is the leader of a violent criminal gang, of which Jonas is a member. Mustafa told Jonas that he must shoot Tommy Head, the leader of a rival gang. Jonas refused, and Mustafa threatened to kidnap and torture Jonas's family, if he did not do as he was told.

Jonas agreed to shoot Tommy. He waited for Tommy to leave his local pub the next evening and shot him. The following day, Jonas saw a report on the news that Nick Head, the identical twin brother of the infamous gang leader Tommy Head, had been shot and injured the previous night as he left the pub. Jonas had shot the wrong man.

(b) Advise Jonas of his potential criminal liability, together with any defences that may be available to him.

(16 marks)

(Total: 25 marks)

Question 3

Bobby worked at a local distribution warehouse and was on his final verbal warning for persistent lateness. One day, Bobby arrived at work two hours late with no good reason. He was called into the manager's office and was dismissed.

Bobby was furious and he stormed out of the office. Al, the security guard, escorted Bobby to his locker, so that he could remove his belongings. Bobby then barged roughly past Al, causing him to stumble and fall heavily against the wall. Al suffered no visible injury.

Bobby then went to the pub to drown his sorrows, and he sent a text to his girlfriend, Hazel, asking her to meet him there. By the time Hazel had arrived at the pub, Bobby had consumed a lot of beer and was drunk. It upset Hazel to see Bobby in such a state.

Bobby's friend, Felix, took Bobby outside, so that Bobby could get some fresh air. When they went back into the pub, they could see the landlord, Wally, sitting down with Hazel. Wally had his arm around her. Wally was comforting Hazel, as she was so upset by Bobby's behaviour.

Bobby thought that Wally and Hazel were having an affair and that Wally was about to kiss Hazel. Bobby ran towards Wally and Hazel. He pulled Wally to his feet and spun Wally round to face him. He then head-butted Wally in the face. Wally suffered a black eye and severe bruising to his nose.

Advise Bobby of his potential criminal liability, together with any defences that may be available to him.

(25 marks)

Question 4

Cormack had been named 'Player of the year' and had also been made captain of his local golf club for the year 2020/21.

He was so pleased, he decided to throw a party at his home and he invited all of his friends. One of his friends, Pablo, was jealous of Cormack's success, so he decided to steal Cormack's 'Player of the year' trophy and keep it for himself, as he thought he was a better player than Cormack.

At the party, when no one was looking, Pablo took the trophy out of the display cabinet and went outside. He hid the trophy in some shrubs in the front garden and was going to collect it on the way home.

Dan and Ellis were also at the party. Dan didn't like Ellis, as he knew that Ellis took drugs. Ellis didn't like Dan, as he thought that Dan was snooty and looked down on people.

Ellis decided to spike Dan's drink to teach him a lesson, so he put an LSD tablet in Dan's pint of cider. Dan finished his pint and, within minutes, began having hallucinations.

Dan thought that the sofa was an alien and that it was trying to eat the people sitting on it. Dan took a lighter out of his pocket and set fire to the sofa, regardless of the fact that there were people sitting on it. The people sitting on the sofa managed to get off safely, but Cormack's sofa was ruined.

After Dan's outburst, the party finished and Pablo picked up the trophy from the front garden and went home with it.

Advise Pablo and Dan on their potential criminal liability, together with any defences that may be available to them.

(25 marks)

End of Examination Paper