

UNIVERSITY OF BOLTON

BOLTON LAW SCHOOL

LAW PATHWAY

SEMESTER 2 EXAMINATION 2018/19

CRIMINAL LAW

MODULE NO: LAW4013

Date: Wednesday 22 May 2019 Time: 2.00 – 3.30

INSTRUCTIONS TO CANDIDATES:

There are 4 questions on this paper.

Answer ANY 2 questions ONLY in the answer book provided.

All questions carry equal marks.

This examination will last 90 minutes.

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Question 1

Sid was unemployed and had no money but wanted to apply to university to study. He was offered a place at Bolton University but to afford the high cost of studying he needed to find a job which he did not want to do. He decided to visit Doreen, his elderly aunt, whom he had not seen for 5 years.

Doreen was very rich but careless with money. Sid told her how he would love to get better acquainted so that he could help her in her old age. Doreen was so grateful for his kindness that she instantly wrote him a cheque for £30,000 and said she hoped to see him the next day.

Sid took the cheque but had no intention of returning at all.

On the first day of term, Sid enthusiastically borrowed 20 books from the library, which he was due to return in 3 weeks time.

On the second day he noticed some sandwiches in the kitchen which his flatmate, Nancy, had bought for lunch. Feeling hungry, Sid ate them whilst Nancy was at a lecture. He also searched Nancy's bedside cabinet for anything valuable but found nothing.

On the third day he checked his bank balance and found that the bank had mistakenly credited his account with another £30,000. Sid immediately realized that the academic life was not for him and he set off to travel the world with his new found wealth, throwing the library books into the bin as he left the university.

Advise Sid as to his criminal liability, if any.

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Question 2

Henry gives Anna his front door key so that she can stay in his flat for 2 weeks.

One night on a date, Anna shares a couple of bottles of wine with Billy. Anna would have been happy with just one glass, but Billy insists she drinks more to accompany him. Unknown to Anna, Billy has spiked the wine with vodka.

Anna becomes so drunk she hardly knows what she is doing. She plunges a fork into Billy's hand just for a laugh, thinking he will not mind. Billy takes the pain and accompanies her home.

Anna attempts to enter the wrong flat with Henry's key and breaks down the front door when the key does not work.

Billy leads Anna to the bedroom and suggests that they have sex. Anna is too drunk to refuse. She passes out just as Billy climbs on top of her. He has sexual intercourse with her despite her condition.

Discuss the criminal liability of Anna and Billy for the offences in this question.

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Question 3

Anita and Carlos have been going out together for several months. In fact, Carlos is Anita's first boyfriend.

One day Anita is diagnosed as being HIV positive. She could only have been infected by Carlos. Distraught, she goes straight to the VUE Cinema where she knows Carlos will be watching a film. She switches off the mains electricity, places an iron bar across the only exit and shouts 'Fire'. Carlos suffers a ruptured spleen and a head wound in his rush to escape.

Anita breaks off the relationship, but Carlos knows she will change her mind. He begins to follow Anita, sending her letters every day and making numerous telephone calls. This is all to no effect but he continues. After a while his calls take on a threatening tone, some of them nothing but silence.

Anita becomes a nervous wreck. She later claims not to have foreseen any serious injuries to Carlos in the cinema. She simply wanted to teach him a lesson. However, shortly beforehand she had begun to hear imaginary voices and was not feeling herself.

Carlos admits he knew he was HIV positive but claims he was ignorant of the risks of transmission.

Discuss the criminal liability of Carlos and Anita, and any defences which may be available to them.

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Question 4

Alf was a drug addict who shared a room with Brad. Brad was inexperienced in the use of drugs but one day he asked Alf for some heroin 'to make him sleep'. Alf injected himself with heroin and then prepared a syringe which he gave to Brad for immediate injection. Brad injected himself.

After a short while his breathing was affected and he collapsed. Alf ignored him as he was hallucinating and absorbed in a TV programme. He did not call an ambulance for 3 hours and the journey to the hospital was delayed because the driver lost his way.

At the hospital, Brad's breathing became infrequent and he appeared to be in great distress. On the assumption that he was unlikely to survive, Frank, the doctor, injected him with a triple dose of pain killer so that he could end his life peacefully. Brad died within the hour.

Frank was a diabetic and had worked for 36 hours without a break having forgotten to take any insulin.

Discuss the criminal liability of Alf and Frank, and any defences which may be available to them.

END OF QUESTIONS