



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF DECEMBER 2005

CODE AND NAME OF COURSE: LA11A (LAW1110) - CRIMINAL LAW I

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 3 pages and 6 questions.

Answer **THREE (3)** questions. Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

1. A small child, clearly unable to swim, is pushed into a public swimming pool by Grey, an experienced swimmer. As the child drowns, he is watched by the following persons who take no action to intervene:-

- (i) Grey;
- (ii) the child's father;
- (iii) a lifeguard employed at the swimming pool;
- (iv) a cleaner employed at the swimming pool;
- (v) a police officer.

Discuss.

2. Section 71 of the St. Lucia Criminal Code provides as follows:-

"If a person does an act voluntarily, believing that it will probably cause or contribute to cause an event, he intends to cause that event ... although he does not do the act for the purpose of causing ... the event."

To what extent, if at all, does this provision reflect the common law?

PLEASE TURN OVER

3. The regulation for the use of a municipal swimming pool, which is clearly displayed adjacent to the pool, provides:-

“The swimming pool closes promptly at 6.15 pm. Under no circumstances is swimming permitted after 6.00 pm. Failure to observe this regulation entails a fine of \$30.”

At 6.02 pm, Bill pushes Tom into the pool at the deep end. Tom is a non-swimmer but manages to paddle his way to the hand rail and pull himself out. A summons is issued to both Tom and Bill for breach of the regulation.

Advise Tom and Bill.

4. Bill joined Ben’s gang of thieves. He knew that Ben had previous convictions for violent crimes. Two months after joining the gang, Ben told Bill that he was to join him in a robbery. Bill objected, but Ben told him that unless he did so, he would suffer seriously. In fear, Bill reluctantly agreed.

The plan was to commit the robbery on Weed with bare fists while Weed was taking his wages to the bank.

On the day of the robbery, Bill knocked Weed out with a punch to the jaw. However, before the pair could take Weed’s money they heard a police siren in an adjacent street.

Bill went to investigate and, while he was away, Ben searched through Weed’s pockets. Finding nothing to steal, Ben, in anger, stabbed Weed with a knife he was carrying. When Bill returned, the two men fled the scene. Bill did not realise that Weed had been stabbed. Weed died from his wound.

Discuss.

5. Greg was charged with murder. At his trial he pleaded self-defence and accident. Lost J, the trial judge, refused to leave accident to the jury on the ground that it was incompatible with the plea of self-defence. On self-defence, he directed the jury as follows:-

“For a successful plea of self-defence, you must believe that not only did Greg reasonably believe that defensive action was necessary but also that the degree of force he used was reasonable ...

He would need to show you that he retreated as far as he could and that the force he used was proportional to the threatened harm ...

If you do not believe these things, but believe Greg made an honest mistake, you may convict him of manslaughter.”

Greg was convicted of manslaughter and sentenced to 15 years imprisonment. He wishes to appeal on the ground that Lost J misdirected the jury on self-defence and erred in not leaving the plea of accident to the jury.

Advise Greg.

6. Answer **BOTH** (a) **AND** (b)

(a) Consider the *actus reus* of attempt.

AND

(b) Cindy was raped by Bert and became severely depressed. As a consequence of her depression and in the belief that she would forever be an outcast and displeasing to God, she committed suicide.

Can Bert be held criminally liable for causing Cindy's death?

END OF PAPER