



# THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF \_\_\_\_\_ JULY 19<sup>99</sup>

CODE AND NAME OF COURSE: LA11A CRIMINAL LAW I

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 2 pages and 6 questions.

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Answer **THREE** questions

Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

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1. What is a 'crime'?

2. Gregory, a man with a grudge against his employer, plants a bomb in the latter's office. The bomb is timed to explode at 1:00 p.m. Gregory's concern is to cause as much confusion as possible and damage to property.

At 12:00 noon, he telephones a warning to his employer who causes the building to be evacuated. A bomb disposal expert is summoned and he attempts to defuse the bomb. At 12:50 p.m., the bomb explodes and the bomb disposal expert is killed.

Can it be said, in a legal sense, that Gregory intended his death?

3. What do you understand by the doctrine of 'transferred malice'? Assess whether this doctrine should be described as an 'illogical fiction'.

PLEASE TURN OVER

4. Ivan, a taxi driver, was ordered at gun point to drive Bill, Jim and Weed, who were all armed, to a bank. Bill and Jim entered the bank, where Bill shot and killed the manager while attempting to rob the bank.

The possibility of shooting anyone had not been discussed by Bill, and Jim was shocked when the manager was killed.

Weed remained in the car and kept a gun pointed at Ivan.

After Bill and Jim left the bank, Ivan drove them to a hideout but no longer at gunpoint.

Discuss the criminal responsibility of all the parties.

5. "A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist" (s.8, Montserrat Penal Code, No.12 of 1983).

Does this provision accurately reflect the common law defence of mistake.

6. Answer **both** (a) and (b)

(a) To what extent has recent case law clarified or obscured the *actus reus* of attempt?

(b) Three weeks ago, Edgar and his girlfriend, Mandy, quarrelled and since then Mandy has refused Edgar sexual favours. Yesterday, Edgar said to Mandy on the telephone: "Look, I don't care what you say or think. I'm going to make love to you. I'm coming to your place now."

Later, Edgar entered Mandy's room and said: "Right. Remember what I said." Mandy said nothing but looked very cross. Edgar pulled Mandy to the floor. However, a moment before making love, Edgar said: "Oh, bother. I suppose it's no good like this." He then got up and left. In fact, Mandy would have consented to intercourse but Edgar did not know this.

Mandy is 20, and, other considerations apart, Edgar thought it was unlawful to have sexual intercourse with a girl under 21 years.

Discuss.