



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF _____ DECEMBER 2000

CODE AND NAME OF COURSE: LA11A 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. "To ask 'What is a crime?' is a misleading and fruitless quest. In particular, to frame an answer by reference to moral wrongfulness, except in a very limited way, would be to equate 'law' with ignorance and superstition."

Discuss.

2. Ackroyd joined Big Jim's gang of thieves knowing that Big Jim had had many previous convictions for crimes of violence.

One day, Big Jim told Ackroyd: "We are going to do a breaking job. We are going to break some heads."

Ackroyd at first refused, saying that he wanted nothing to do with violence, but Big Jim responded: "That's your line, is it? Do you think when you joined it was always going to be a picnic? You'd better do as you're told or I'll re-arrange your face. Oh yes, your kids won't want a mother who is a vegetable, will they?"

As a consequence, Ackroyd did as he was told and drove Big Jim and his gang to a house where Big Jim shot the inmate while Ackroyd waited outside in the car.

Discuss.

PLEASE TURN OVER

- 3) Leroy, a law student with a grudge against his lecturer, Gregory, placed a small explosive device beneath the lectern upon which Gregory rested his notes during lectures. The device was timed to detonate during a lecture on intention in the Criminal Law.

When the device exploded, Gregory was not standing at the lectern but, rather, a third year student, Lois, who was reading a notice from the Students' Law Society. Lois was killed by a long splinter of wood, detached from the lectern as the device exploded, which pierced her heart.

Leroy later told the police : "Me, I don't want to kill her. It's him I was after. I want to teach him a lesson, to embarrass him. I knew the lectern would be mashed up, that's all."

Discuss.

4. During an argument with his girlfriend, Cindy, Glenroy struck her. Fearing that Glenroy (who had beaten her up several times previously) would strike her again, Cindy ran from the flat which they had shared but tripped and fell down the staircase leading to the street. She sustained a chest wound from a broken bottle on the staircase but managed to reach the street where, though bleeding profusely from the wound, she refused offers of assistance.

On reaching the local hospital, Cindy was told that since she had lost so much blood she would need a blood transfusion. Cindy refused saying that she did not care what happened to her.

A doctor prescribed a strong antibiotic but failed to ask Cindy whether she knew she might be intolerant to it. In fact, Cindy was intolerant to the antibiotic and, as a consequence of this and loss of blood, she lapsed into a coma and died two days later.

Discuss.

PLEASE TURN OVER

5. Answer EITHER (a) OR (b):

(a) George was charged with murder. At his trial he pleaded self-defence. The trial judge, Lost J., directed the jury in the following terms:-

“In determining whether you believe George acted lawfully in self-defence he must satisfy you as much as you would need to be satisfied if you were to act upon some important matter concerning yourselves that he was so acting

and for a successful defence of self-defence you must believe that not only did George 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 George made an honest mistake you may convict him of manslaughter.”

George was convicted of manslaughter and sentenced to fifteen years imprisonment. He wishes to appeal on the ground that Lost J. misdirected the jury.

Advise George.

(b) Analyse the rules applicable to any TWO (2) of the following defences:

- (i) intoxication;
- (ii) insanity;
- (iii) automatism.

6. “There is no magic formula to define precisely what constitutes an attempt to commit a crime.”

Discuss.

END OF PAPER