



THE UNIVERSITY OF THE WEST INDIES



EXAMINATIONS OF DECEMBER 2001

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.

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 what extent, if at all, would you argue that the Criminal Law should be used to enforce moral obligations?
2. "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 or of contributing to cause the event."

To what extent, if at all, does this statement reflect the understanding of "intention" in the Criminal Law?

3. Discuss **TWO (2)** of the following:-
 - (i) Ron shoots at Gregory intending to kill him. The bullet misses Gregory but kills Edgar.
 - (ii) Gregory attempted to make love to Lamie in his car but was unsuccessful. As a consequence of this failure, Lamie punched Gregory and scratched his face. Gregory then attacked Lamie with his fists. Lamie was rendered unconscious and Gregory thought, wrongly, that he had killed her. Accordingly, Gregory threw Lamie's body into an adjacent river. In fact, Lamie was alive but died from drowning.
 - (iii) Rob stabbed Jim. Jim was taken to hospital but refused a blood transfusion on religious grounds despite being told that this would probably save his life. His wound was stitched and he was told to lie very still. In fact, Jim decided to discharge himself and while dressing his wound burst open and he bled to death.
4. Outline the criteria the courts have variously employed in determining that a statute imposes strict liability.

P.T.O.

5. Discuss **BOTH** (a) **AND** (b)

- (a) Tom and Jerry agreed to rob Scrooge as he was taking money to pay into a bank. Tom said to Jerry that he, Tom, might have to "rough up Scrooge a bit" and Jerry replied that that was "O.K." but that Tom should not "overdo it". In fact, during the robbery Tom shot Scrooge and killed him.

AND

- (b) Edgar intended to steal from Freddie, a garage proprietor. He knew that Freddie kept his money in a back room of the garage. Accordingly, Edgar parked his car on the garage forecourt and entered the workshop of the garage in order to reach the back room. He was apprehended in the workshop by Freddie and later charged with an attempt to steal. In fact, there was no money in the back room on the day in question.

6. A and B are three month old Siamese twin boys who are conjoined at the pelvis. They are being treated at the Goodhope Hospital. The child A is the stronger twin and sustains the life of B.

Doctors at Goodhope are proposing to separate the twins since they agree that otherwise both twins will die. The doctors also agree that if the operation takes place, B, the weaker child, will die within minutes but that A will then have a life which is worthwhile.

The hospital administrator, John, asks you, as the hospital's legal adviser, to outline any relevant criminal legal considerations he should take into account in reaching a decision to authorize the operation.

Outline those considerations.

END OF PAPER