



# THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF DECEMBER 2002

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 (3)** 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. "The function of the Criminal Law is to preserve public order and decency, to protect the citizen from what is offensive or injurious and to provide sufficient safeguards against exploitation or corruption of others ...." (Wolfenden Committee Report on Homosexual Offences and Prostitution 1957, para. 13).

Discuss.

2. Consider whether there are any exceptions to the 'rule' *actus non facit reum nisi mens sit rea*.

3. Bob, a harrassed single father, frustrated by his infant son's constant screaming, picked up the boy and shook him violently. He then threw the boy towards a sofa. As the boy fell, he hit his head on the wooden arm of the sofa and suffered a fractured skull.

Bob immediately telephoned for an ambulance. The ambulance took two hours to arrive and when the boy was finally admitted to hospital, the doctors failed to diagnose his injury. Three hours after admission, the boy died.

Bob has now been charged with the boy's murder.

Discuss.

P.T.O.

4. Edgar joined a criminal gang that specialised in theft from museums and art galleries. He knew that Fred, the gang's leader, had a reputation for violence.

Fred told Edgar that the next 'job' might involve causing injury to a security guard. Edgar told Fred that he wanted nothing to do with violence, but Fred said that unless Edgar assisted, his children "might not arrive home from school". As a consequence of this threat, Edgar reluctantly agreed to participate.

Later that week, Edgar drove Fred and other gang members to a museum where they stole various paintings and where Fred shot and killed the security guard. Edgar had, meanwhile, waited outside in the 'getaway' car.

Discuss.

5. Section 8 of the Criminal Code of Monsensa, a Commonwealth Caribbean State, provides:-

"A person who does or omits to do any act under an honest and reasonable mistake made in good faith is not criminally responsible to any greater extent than if the real state of things had been as he supposed."

Consider to what extent, if at all, this provision reflects the common law.

6. Ron intended to steal from Greg, a garage proprietor. He knew that Greg kept his money in a back room of the garage.

Ron first parked his car on the garage forecourt and waited for 20 minutes to ensure that Greg had left the premises.

He then entered the workshop of the garage in order to make his way to the back room. He entered the room, but was then apprehended by Greg and was later charged with attempting to steal Greg's money.

Advise Ron.

**END OF QUESTION PAPER**