



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF JULY/AUGUST 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.

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

1. "At the root of any concept of punishment must be a concept of the aims of the Criminal Law and some understanding of the circumstances in which it is right to create penal laws."

Discuss.
2. What is the actus reus in crimes of omission?
3. Explain the importance of the decision in Caldwell (1982). To what extent have more recent decisions demonstrated a retreat from the principles associated with that case?
4. 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 aim is to cause as much confusion as possible and damage to the 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.

Consider whether it can be said, in a legal sense, that Gregory intended the death of the bomb disposal expert.

P.T.O

5. Edgar joins Mick's gang of thieves and, with the gang, takes part in a number of pick-pocketing exercises. Mick then tells Edgar that he is to help him beat up Dai. Edgar at first refuses but Mick tells him that if he, Edgar, refuses something "very horrible" will happen to Edgar's son. Convinced that Mick is serious, Edgar agrees.

Accordingly, Mick and Edgar attack Dai in an upstairs room of Dai's house. Edgar throws a punch at Dai but misses. Mick pulls a knife from his pocket and stabs Dai in the arm. Edgar has no idea that Mick is carrying a knife. Fearing a further attack, Dai throws himself out of a window and falls 35 feet to the roadway below. He sustains a broken skull in the fall.

Mick runs off but Edgar, horrified by what has happened, stays behind to help Dai. He breaks into a car nearby and rushes Dai to hospital in it.

Dai is now in a coma and, at the hospital, he is put on a life support machine. One week later, Dai is diagnosed as for all practical purposes dead and the machine is turned off.

Mick and Edgar have now been charged with Dai's murder.

Discuss.

6. Three weeks ago, Edgar and his girlfriend, Nicole, quarrelled and since then Nicole has refused Edgar sexual favours. Yesterday, Edgar said to Nicole 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 Nicole's room and said: "Right. Remember what I said." Nicole said nothing but looked very cross. However, a moment before making love, Edgar said: "Oh, no. I suppose it's no good like this." He then got up and left. In fact, Nicole would have consented to intercourse but Edgar did not know this.

Nicole is 17 and, other considerations apart, Edgar thought it was unlawful to have sexual intercourse with a girl under 18 years.

Discuss.

END OF PAPER