



EXAMINATIONS OF _____ APRIL/MAY 2005

CODE AND NAME OF COURSE: LA11B (LAW1120) - Criminal Law II

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. Melvin is a fisherman who spends long hours at sea. Melvin is an alcoholic, who has been sober for the last six months. One day he returns home from a fishing trip earlier than usual and finds his wife Doris asleep in bed with his friend Karl. He goes into the kitchen and has a couple drinks. He returns to the bedroom and in the subsequent quarrel with Doris she tells him: "You feel when you leave me in this house every week and go fishing for all that time I could do without a man? Besides, you are a hopeless drunk, you don't even know how to satisfy a woman!" On hearing this, Melvin stabs Karl 37 times and he dies on the way to the hospital. Melvin is arrested and charged with murder.
 - (i) Advise Melvin.
 - (ii) Would your answer be different if it turns out that Karl was not Doris' lover?

2. Critically discuss the doctrine of-constructive malice.

PLEASE TURN OVER

3. Wesley and Mark attempt to hold-up a convenience store at a gas station. The cashier, an elderly lady who suffers from heart disease, collapses gasping and panting when Wesley points a water pistol at her and Mark menacingly demands all the money in the cash register. Wesley and Mark run away from the scene empty handed. The cashier goes into shock, and dies shortly afterwards. Wesley and Mark were arrested and charged with murder

Discuss the criminal responsibility of Mark and Wesley.

4. Dianne and her boyfriend Richard are watching an x-rated movie with Richard's friend, Tom. Richard's other friend, Paul is asleep in an adjoining room. During the movie Richard begins to have sexual intercourse with Diane with Tom looking on. Unbeknownst to Dianne Richard has tested positive for HIV. After Richard has finished, Tom commences to have sex with Dianne. She tells him to stop and he refuses. They struggle, but he continues to have sex with her. Weak from exhaustion, Dianne gives up struggling. At that point Paul enters the room. When Tom is finished Paul has intercourse with Dianne.

Discuss the criminal responsibility of Richard, Tom and Paul.

5. Bert is a university library assistant who meets Maxine, a student, in the course of her use of the library on a daily basis. Having invited her out for dinner on many occasions without success, Bert proceeds to call Maxine at least four times every night. Sometimes he would say nothing, other times he would be abusive. Soon Maxine notices Bert taking photographs of her at the supermarket and various other places. Maxine confronts Bert and asks him to leave her alone. Bert replies that he loves her and will not rest until she agrees to become his. Maxine becomes depressed. She becomes apprehensive about studying in the library and fearful of personal violence whenever she is alone. A consultant psychiatrist diagnoses her as suffering from a severe depressive illness.

Discuss.

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6. Answer **EITHER** (a) in relation to the law of theft OR (b) in relation to the law of larceny.

- (a) Sid, by pretending to be the Dean of the Faculty of Law, obtained possession of a new car under a hire purchase agreement negotiated with Azdick Enterprises. He later sells the car to Harry.

Consider whether, and if so when, Sid has stolen the car.

OR

- (b) Simon found a silver chain in the street. It had no marks identifying its owner. For the next few days, Simon looked through the 'lost and found' column in the newspaper. Seeing nothing, he decided to keep the chain.

Simon later discovered that Peter had lost a silver chain, but nonetheless, he sold the chain to Thomas who bought it in good faith.

Peter saw Thomas wearing the chain and recognised it as the one that he had lost. When Thomas refused to hand it over, Peter punched him and ripped the chain from his neck.

Consider the criminal liability of the parties.

END OF PAPER

