



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF _____ JULY/AUGUST _____ 2000

CODE AND NAME OF COURSE: LA11B CRIMINAL LAW II

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 2 pages and 6 questions.

Answer **THREE** questions

Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise

1. Discuss **TWO** of the following:-

- (i) 'Implied malice' as an element of the *mens rea* of murder;
- (ii) whether words may constitute provocation in law;
- (iii) indecent assault;
- (iv) whether 'harm' must be 'aimed at' someone for the purposes of homicide.

2. "A result foreseen as virtually certain is an intended result and no lesser degree of foresight suffices."

Discuss with reference to the *mens rea* of murder.

3. Edwina was a nurse who had worked for twenty years in a hospital for the terminally ill. Florence was an elderly patient whose condition had been deteriorating for several years. She repeatedly requested Edwina to "put her out of her misery".

One morning, whilst Edwina was giving Florence her medication, Florence scratched and bit Edwina, and demanded that Edwina kill her. Edwina lost control, picked up a pillow and began to smother Florence with it. After a short while, Edwina released the pressure but Florence begged her not to stop. Edwina then carefully replaced the pillow and smothered Florence.

Edwina was very distressed by the death of Florence and consoled herself by finishing a bottle of Florence's vodka. As a consequence of these events, she sank into a deep depression and began to hear voices telling her that she should put all the patients out of their pain and suffering. Urged on by the voices and unable to resist them, though aware of what she was doing, Edwina set fire to the hospital, killing 25 staff and patients in the blaze.

Discuss.

PLEASE TURN OVER

4. Answer **BOTH** (a) **AND** (b)

(a) In *Seymour* (1983), Watkins L.J. stated, in relation to involuntary manslaughter:-

“It is no longer necessary or helpful to make references to compensation or negligence.”

Discuss.

(b) Tom, a junior anaesthetist, failed to notice that the tube supplying oxygen to Gregory, a patient undergoing surgery, had become tangled. As a consequence, Gregory was starved of oxygen and died during the operation.

Tom alleges that responsibility for superintending the tubing had been delegated to a pupil nurse while he, Tom, had left the operating theatre to use the toilet and that the nurse had not reported to him any malfunction on his return.

Discuss.

5. David hitched a lift home with Gloria. Gloria stopped the car at a rum shop where she and David consumed several rum-and-cokes. Having resumed their journey, David persuaded Gloria to stop the car for sexual intercourse.

While participating in the act of intercourse, Gloria changed her mind and asked David to withdraw. David did not listen and, despite Gloria's screams of “No ... please ... please”, he continued.

David gave Gloria a venereal disease.

Discuss.

6. Willy and Alf had a quarrel with Snotty, the manager of a supermarket. Taking care not to be seen, Willy and Alf switched the price labels of a number of articles on the shelves and proceeded to the cashier with the articles now marked at a lower price.

Discuss.

END OF PAPER