



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF APRIL/MAY 2002

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

1. Discuss any **TWO (2)** of the following:
 - (i) whether a trial judge is ever bound to leave provocation to the jury in circumstances where the accused pleads an alibi;
 - (ii) whether the marital exemption of rape is the law in the Commonwealth Caribbean and, if it is, whether it should be abolished;
 - (iii) whether prostitution is in itself a criminal offence.
2. Gregory forced a 15 year old girl to have sex with him. The girl began to scream and Gregory put his hands over her mouth to shut her up. The girl was suffocated and died.

Gregory was charged with her murder and, at his trial, Lost J. directed the jury as follows:

"If you believe that Gregory, as a reasonable man like you and me, must have known that to place his hands over this poor girl's mouth, in circumstances where he was already committing a violent offence against her person, was an act calculated and likely to result in at least serious harm, then you may convict him of murder. This is so even if you believe his story that he only wanted to silence the girl and not to seriously injure her. The question for you is what was in his mind."

Gregory was convicted of murder and now wishes to appeal on the basis of serious misdirections by Lost J.

Discuss.

3. Slim had lived with Lolita, 20 years his junior, for seven years. During this period Lolita had constantly nagged and belittled Slim and, to his knowledge, had taken other lovers. This conduct caused Slim to become severely depressed.

One day, Lolita said to Slim, who had a clubbed foot: "You stupid one-foot idiot. You call yourself a lover! Go back and live with your mother. My new man is 100 times sweeter than you."

Unable to take this treatment any longer, Slim calmly took a kitchen knife and stabbed Lolita 25 times. He was charged with her murder.

Discuss.

4. "An unlawful act causing the death of another cannot, simply because it is an unlawful act, render a manslaughter verdict inevitable."

Discuss all issues that are raised by this statement.

5. Edgar, a lecturer, and Doris, a student, had dinner together on several occasions. One evening Edgar told Doris that he was in love with her and that he would "do his best to coach" her to ensure that she achieved an 'A' in her forthcoming examination which he, Edgar, believed she deserved. Doris then told Edgar that she loved him and the couple 'made love'.

Doris did not achieve an 'A' in the examination and her 'best friend' told her that "really Edgar has raped you".

Incensed, Doris harassed Edgar with a barrage of telephone calls, some silent and others abusive. She followed him about at the university and, in a way that only he could hear, threatened to emasculate him and report him to the university authorities. Edgar became severely depressed and then discovered that he had contracted a venereal disease from Doris.

Discuss.

6. Answer **BOTH (i) AND (ii)**

- (i) With reference to decided cases, consider how the courts have interpreted the concept of **either** 'appropriation' for the purpose of a charge of theft **or** "taking and carrying away' for the purpose of a charge of larceny.
- (ii) D visited P's premises dishonestly claiming to be a haulage contractor. It was agreed that D should collect goods from three different warehouses. D collected the goods but then made off with them.

Discuss.