



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF DECEMBER 2006

CODE AND NAME OF COURSE: LAW1110 - 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. To what extent, if at all, would you agree that the Criminal Law should be used to enforce precepts of morality?

2. Dumhead, a former worshipper at the 'Thou Shalt Not' Church, set fire to the Church at 1.00 am because he had a grudge against its Pastor, John. In fact, John's wife, Mavis, was saying her devotions in the church at the time she died in the fire. Dumhead had once told John: "God will get you for what you've done and the flames of hell will consume you."

Discuss, assuming:-

- (a) that Dumhead thought the church was empty of people when he set fire to it;
 - (b) that Dumhead knew that someone was in the church (other than John) but believed that whoever it was would easily escape by the rear door; and
 - (c) that Dumhead thought John was in the church and knew that there was no rear door.
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3. "There has for centuries been a presumption that Parliament did not intend to make criminals of persons who were in no way blameworthy in what they did" (*per* Lord Reid in *Sweet v. Parsley* [1970] A.C. 132, 148).

Discuss.

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4. To what extent is a person criminally responsible in circumstances where, having joined a criminal enterprise under duress, another participant performs a criminal act during the enterprise which is not contemplated by any other party to it?
5. As he was leaving a bar, James innocently took Kenneth's bag, mistaking it for his own. Kenneth chased after James to claim his bag but, before he could speak, James, thinking he was being attacked, stabbed Kenneth in the arm.

To escape, Kenneth ran into a derelict house and, on reaching the roof, saw that James was following him still carrying the knife. Though James was still several yards away, Kenneth leapt from the roof to the ground below and sustained severe injuries including a fractured skull.

James realised that Kenneth was severely injured but left the scene.

A passing motorist, who had witnessed Kenneth's fall, took Kenneth to hospital. Medical staff failed to diagnose Kenneth's fractured skull and, as a consequence, Kenneth received wholly inappropriate medical treatment. Kenneth died.

Discuss.

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

(a) Explain the present law in relation to the *actus reus* of attempt.

AND

(b) Greg believed his wife, Cindy, was having an affair with Toto. One night, Greg saw Toto's car parked at the beach. He took a loaded shotgun from the boot of his car and advanced towards Toto's car. As he approached, he saw Cindy embracing Toto. Greg said, "You've got to die" and raised the shotgun to fire, but then changed his mind and walked away.

Discuss.

Would your answer be different if Greg had entered Toto's car before uttering those words and then changing his mind?

END OF PAPER