

Criminal Law

Monday 4th November 2024

12.00pm to 1.30pm

Candidates are required to answer ONE out of two questions.

Candidates should note that, in examination answers, they are expected to cite relevant authority.

Candidates are required to answer ONE out of two questions.

Question 1

Lionel is convinced that his colleague Keir has been spreading rumours about him in their workplace. One afternoon he goes upstairs to Keir's office and confronts him, but Keir denies having spread any rumours. This enrages Lionel, who grabs the glass paperweight that is sitting on Keir's desk and smashes it over Keir's head. Keir suffers a severe laceration across his forehead and falls to the ground unconscious. As Keir is lying on the floor injured, Lionel notices that Keir's wallet has fallen out of his trouser pocket and is lying next to him on the floor. Lionel picks it up to take the cash from inside it, muttering "serves you right – I'll take some compensation for the damage you've caused my reputation". However, the wallet is empty, and he discards it on the floor.

After Lionel leaves Keir's office, he heads back downstairs. He meets another colleague, Tim, on the landing of the stairwell a floor down. Tim starts chatting to Lionel and mentions he is on his way upstairs for a meeting with Keir. Lionel realises Tim will see what has happened and decides he needs to leave the office building urgently. He places his hand on Tim's shoulder and forcefully pushes past him, shouting "Out my way – I'm in a rush" as he races downstairs. Meanwhile Tim, who has a heart condition, falls backwards onto the floor, and suffers a stress-induced heart attack.

Both Keir and Tim are discovered about half an hour later by another colleague, who calls an ambulance. Once at the hospital Keir is treated for his serious head injury, which is considered by the consultant on duty to be serious but not life threatening. He is then left in the care of Jim, a junior doctor. Jim, who is tired from working overtime, does not read the consultant's notes properly, and gives Keir an injection which contains a painkiller that the notes state Keir is severely allergic to. Keir dies shortly afterwards. Tim is also treated at the hospital, where he is placed on a life support machine. A week later, there is no improvement, and the life support machine is switched off. Tim is pronounced dead. According to the doctors who treated Tim, if he had been found sooner after his heart attack, he might not have died.

Which crimes in Scots criminal law may have been committed by Lionel? Give full reasons for your answer, citing authority as appropriate.

Question 2

Alfie is studying History at University. He is of the view that all the female students in his class find him attractive. He invites a female student named Isabel to his flat to discuss the essay for the course which is due in a couple of days. When Isabel arrives at his flat, he shows her straight into his bedroom. She is a little alarmed by this, but she sits on the edge of his bed as this is the only available seat. Alfie sits beside her and puts his arm around her. Isabel says, "Don't touch me. I'm leaving." Alfie thinks that Isabel would not have sat on the bed if she was not attracted to him. He pushes her onto her back and tries to insert his penis into her mouth. Isabel manages to avoid this by rolling away from Alfie. She gets up and runs out of the flat in a very distressed state.

The day on which the essay is due soon arrives. Alfie has not prepared an essay, but nonetheless he considers that he is entitled to a good grade. He knows that Marcus is one of the most intelligent students in his class, so he decides that Marcus will 'help' him achieve this. He waits in the bushes outside of the entrance to the History department at the university. When Alfie sees Marcus approaching carrying a paper copy of his essay, Alfie jumps out from behind the bushes wearing a Halloween mask. He shouts at Marcus: "Hand over the essay or you are dead". Marcus shrieks in fear, drops the essay onto the pavement, and runs away. Alfie picks up the essay from the pavement, pleased that it is now in his possession.

Alfie takes the essay to the office of his professor in the History department. He hands the essay to Professor Stevens, who thanks Alfie for handing his essay in on time. Alfie responds by telling her that he hopes that she will enjoy reading his essay. Professor Stevens is indeed very impressed by the essay and awards Alfie an 'A' grade. Marcus, who did not tell anyone what happened as he was worried he would not be believed, is awarded zero marks by Professor Stevens on the basis that he failed to prepare and submit an essay.

Which crimes in Scots criminal law may have been committed by Alfie? Give full reasons for your answer, citing authority as appropriate.

END OF PAPER