

Criminal Law

Monday 13th May 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.

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Question 1

It is a sunny day and Jeremy goes for a walk in the park. He finds doing so helps him think and he needs to devise a plan to make some cash quickly as he is in financial difficulty. As he is walking, he notices that Etta, who is sunbathing near the path, has fallen asleep, and that her purse has fallen out of her jeans pocket and is lying next to her on her picnic mat. Unable to believe his luck Jeremy goes over and picks it up in order to take the cash from inside it. However, the purse is empty, and he discards it next to Etta. Although Jeremy is frustrated the purse was empty this time, he realises this is a good tactic for getting cash. He continues walking until he sees Martha asleep on a deckchair. He picks up the small handbag, which is sitting at her feet, checking there is some money in it this time. Just as he is about to run away with the handbag, Martha wakes up and jumps to her feet. She tries to grab the bag from Jeremy's hands, and they struggle over it for a few seconds, but Jeremy manages to keep a hold of the bag and runs off with it. Emboldened by his success, Jeremy decides to try a new tactic. He hides in the bushes until he sees Lana walking past. He jumps out from behind the bushes and shouts: "Hand over your purse or I'll beat you up". Lana is black belt in karate and is not easily intimidated. She takes a step towards Jeremy and shouts: "Bring it on – I'm ready!" Jeremy realises he is in over his head and runs away.

On his way home Jeremy is walking on a path next to the canal. He notices Martha on the path ahead. She notices him too, and rushes over, shouting: "Hey you! Where is my bag?". Martha is blocking Jeremy's way, so he pushes past her using his elbow to force her to the side of the path as he runs off. Martha, however, loses her balance and falls into the canal. As Jeremy is running, he hears a splash, but he does not turn back. He thinks if that sound was Martha falling into the canal then she will be able to climb out of it, as there are ladders at the side. Unfortunately, Martha cannot swim, and she quickly becomes submerged in the water. She drowns.

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

Question 2

Corina is out for a walk in the suburbs, when she notices a man walking behind her on the street carrying a baseball bat. She crosses the street, and notices that the man does too. She becomes convinced that he is following her and thinks that he plans to attack her. There is no one else on the street, and she does not have any mobile phone signal. However, Corina spots a bicycle propped against a garden fence. Reasoning that she will get away faster with that, she jumps on to the bicycle and pedals off. Looking over her shoulder, she notices almost immediately that the man has gone inside a house, but she carries on cycling for several kilometres until she gets back to the town centre.

Corina is then cycling down the high street when a man, named Boris, steps out in front of her. He is much taller than Corina and he blocks her way. He has a very small dog with him. He shouts at Corina and says that he is going to steal a car and that he needs her to distract the owner. He says that if she does not do this, he will set the dog, a very small Miniature Dachshund, on her. Corina could have tried to cycle away but she is alarmed by the situation and extremely scared of dogs, so she does what he says. She distracts the car owner and Boris drives off in the car.

Corina eventually gets home and has a terrible headache after the stressful day she has had. She has a bottle of anti-anxiety tablets in her bathroom cupboard and she takes seven, though the instructions say that a single dose is two tablets. She also has some strong prescription-only painkillers, prescribed for her after a previous surgery on her shoulder, and she takes six of those too, though she knows that a normal dose is one tablet. She feels very strange and wanders out into the street, where she climbs on top of car bonnet, and starts jumping up and down, while shouting random swear words at people walking past. She is vaguely aware that this is wrong, but she feels that she is unable to stop herself.

Corina has been charged with theft both in relation to the bicycle, and, also, on an art and part basis, in relation to Boris taking the car. In relation to the incident on the street, she has been charged with breach of the peace. Which DEFENCES in Scots criminal law may be available to Corinna and why? Give full reasons for your answer, citing authority as appropriate.

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