

Criminal Law

Monday 4 November 2025

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

Sheldon is employed at a financial planning company. He is of the view that all his colleagues find him attractive. He invites a female colleague named Emma to his apartment one evening, telling her it will give them the chance to work on a presentation they have to deliver together. When Emma arrives at his apartment, Sheldon 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. Sheldon sits beside her and puts his arm around her. Emma says: "Get away from me. I'm leaving". Sheldon thinks that Emma would not have sat on the bed if she was not attracted to him. He pushes her onto her back and inserts his penis into her mouth. Emma moves away and runs out of the apartment in a very distressed state.

The next day Sheldon is walking to work on a path next to the canal. Karla, another colleague, is also on the footpath. She notices Sheldon, and rushes over, shouting: "Hey you. I spoke to Emma. I know what you did!". Karla is blocking Sheldon's way, so he pushes past her using his elbow to force her to the side of the path as he runs off. Karla, however, loses her balance and falls into the canal. As Sheldon is running, he hears a splash, but he does not turn back. He thinks that, if that was the sound of Karla falling into the canal, then she will be able to climb out of it, as there are ladders at the side. Unfortunately Karla cannot swim, and she quickly becomes submerged in the water. She drowns.

Sheldon continues his way to work. He is so preoccupied with his thoughts that he does not notice Kevin, a tourist from the USA who is visiting the town, walking towards him. They nearly collide, but the collision is avoided when Kevin moves out of the way. Kevin says a polite hello to Sheldon. Startled and annoyed, Sheldon utters several swear words, and shakes his fist in the air while shouting angrily at Kevin: "Stay out of my way or you'll be sorry! That's right, every single person in this town needs to stay out of my way or they'll be sorry!" Although other people on the footpath appear to be shocked, Kevin, who normally works as a police officer in the USA, is not alarmed and tries to calm Sheldon down.

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

Question 2

Caitlin 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, Caitlin 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.

Caitlin is cycling down the high street when Samantha steps out in front of her. She is not pleased to see Samantha, who she used to go to school with, all these years later. Samantha tells Caitlin that she has a job for her. It turns out that Samantha wants Caitlin to take part in the robbery of a jewellery shop the next day. Samantha tells Caitlin that if she says “no” she will sneak into Caitlin’s house one night while she and her husband are sleeping and “break all their bones”. Caitlin was afraid of Samantha when they were at school and believes all that she says about injuring her and her husband. She does not want this to happen, so she meets up with Samantha the next day and follows her instructions. This involves Caitlin going into the jewellery shop wearing a mask and threatening staff and customers with a baseball bat, while Samantha takes the jewellery from the display cabinet.

Caitlin eventually gets home and has a terrible headache after the stressful day she has had at the jewellery shop. 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 knee, 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 a 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.

Caitlin has been charged with theft in relation to the bicycle, and with robbery in relation to the incident at the jewellery shop. In relation to the incident on the street, she has been charged with breach of the peace. Which, if any, DEFENCES in Scots criminal law may be available to Caitlin and why? Give full reasons for your answer, citing authority as appropriate.

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