

GX 1812

**Ollscoil na hÉireann, Gallimh**  
**National University of Ireland, Galway**

**Semester II Examinations, 2002/2003**

<b>Exam Code(s)</b>	2CW1, 3BA1, 3BA6, 4BA4, 4BA8
<b>Exams(s)</b>	2 <sup>nd</sup> Bachelor of Civil Law 3 <sup>rd</sup> & 4 <sup>th</sup> Bachelor of Arts 3 <sup>rd</sup> & 4 <sup>th</sup> Bachelor of Arts (Public & Social Policy) Erasmus & Occasional
<b>Module Codes(s)</b>	LW304
<b>Module(s)</b>	Criminal Law II
<b>Paper No.</b>	1
<b>Repeat Paper Special Paper</b> __	
<b>External Examiner(s)</b>	Professor G.R. Sullivan
<b>Internal Examiner(s)</b>	Mr. Conor Hanly
<b>Instructions</b>	<b>Students must answer <u>Question 1 AND Question 2</u></b> All Questions are marked equally This Examination will be conducted on a full Open Book Format
<b>Duration</b>	<b>TWO</b> Hours Erasmus students have 2½ Hours
<b>No. of AnswerBooks</b>	
<b>Requirements:</b>	Open Book Format
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
<b>No. of Pages</b>	82
<b>Department(s)</b>	Law

Q.1 Answer A OR B

- A) "The defence of provocation, while once tightly restricted, is now subject to virtually no restrictions at all, and this is how it should be". Discuss the truth of this statement in the light of developments in Irish law. Refer in detail to case-law, and, where necessary, comparisons with the approaches used in other jurisdictions may be made.

OR

- B) "The law on assault is problematic from a liberal perspective: the autonomy of children is not respected in that they may be beaten by their parents, while the autonomy of adults is not respected in that their consent to the infliction of injury will often be over-ridden. Both aspects of the law therefore need reform". Discuss the truth of this statement in the light of Irish law. Refer in detail to case-law, and, where necessary, comparisons with the approaches used in other jurisdictions may be made. Note: your answer should focus upon the law; this question is NOT about liberal theory.

- Q.2 John is a professional burglar. Last night, he assembled his burglary gear: a screwdriver, which he put in his pocket, and a length of rope, which he put in a canvas bag, which he then slung across his shoulder. He left his home, and approached his target house, which he knew contained many items of value, and attempted to gain entry by squeezing through a small window. Unfortunately, he got stuck with only his head and arms through the window. With no small amount of difficulty, he managed to free himself, and, dispirited, he walked towards his own home. On the way, however, he spotted a house with a lower window open. He went up to the window and peered inside, where he saw the beautiful Mary asleep. On a sudden sexual impulse, John climbed into the room and sat on the bed where he caressed Mary's hair. She awoke, but in the dark, assumed that the man sitting on the side of her bed was her boyfriend, Michael. She invited "Michael" into her bed and he penetrated her. However, she suddenly realised that "Michael" was in fact John, and started screaming. Alerted by the screams, Mary's parents, Tom and Angela, came running into the room, where they saw John making for the window. Angela, suffering from a heart condition, was so frightened at seeing a strange man in her home that she collapsed and died from heart failure. Meanwhile, Tom roared at John, "How dare you touch my 16 year old girl", but John had already jumped out through the window and was running away. Discuss the legal issues that arise in this scenario.

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