

GX 1673

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

SEMESTER 1 Examinations, 2003/2004

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| Exam Code(s) | 2CW1, 1EM, 1OA |
| Exams(s) | Second Civil Law |
| Module Codes(s) | LW301 |
| Module(s) | Criminal Law I |
| Paper No. | 1 |
| External Examiner(s) | Prof. Paul McCutcheon |
| Internal Examiner(s) | Mr. Tom O'Malley |
| Instructions | Answer THREE Questions |
| Duration | TWO Hours |
| No. of AnswerBooks | |
| Requirements: | |
| Handout | |
| MCQ | |
| Statistical Tables | |
| Graph Paper | |
| Log Graph Paper | |
| Other Material | |
| No. of Pages | |
| Department(s) | Law |

PTO

1. Write an essay on the meaning of "intention" for the purpose of criminal liability, including an account of the English law on the matter and the recommendations of the Irish Reform Commission.
2. Give a critical account of the circumstances in which a person may be found guilty of an offence on the basis of an omission. Include in your answer a reasoned account of the changes, if any, you would recommend to be made to the present law.
3. John suffers from diabetes. Some weeks ago, he was visiting a group of friends when he suddenly became violent and assaulted one of them severely. He has now been charged with the offence of causing serious harm, which carries a maximum sentence of life imprisonment. He is currently awaiting trial. There will be medical evidence before the court that John was suffering at the time of the assault from hyperglycemia as a result of his failure to take insulin. Advise John of any defence that may be available to him and include any further advice you would offer as to how he might approach the charge now pending against him.
4. In October 2003, John Black was put on trial in the Circuit Court on charges of being involved in the distribution of drugs. Two prosecution witnesses were called who had earlier indicated that they had been offered drugs by Mr. Black, but when they went into the witness box they claimed that they never saw him before and had no knowledge whatever of him. Both witnesses have now been charged with perjury. However, while they admit that they gave perjured evidence, they claim that they did so because they had been intimidated by persons related to the accused who told them the night before they were due to give evidence that if they incriminated Mr Black, they and their families would suffer grievously for it. These witnesses have now sought your advice as to whether they have any defence available to them in respect of the perjury charges. Advise them. Make reference in your answer to the appropriate case law.
5. Describe the current Irish law on provocation indicating how it differs from English law on the topic and including in your answer a critical account of the recent tentative recommendations of the Law Reform Commission.
6. Matthew and Mark were playing snooker in a pub one afternoon when they were approached by Luke who claimed that Mark owed him money for drugs. Luke told Mark that unless he had paid him the money by six o'clock that evening, he would "leave him for dead". When Luke left, Mark told Matthew that he was worried sick about this threat as he knew that Luke had beaten up people very badly in the past when they failed to pay him and that he, Mark, did not have any money. Matthew decided to go home and get a carving knife which he brought back to the pub with him. As he was passing by an alleyway, he saw Luke throwing Mark to the ground and kicking him on the head. Matthew ran to the scene, drew the carving knife and stabbed Luke with it. Luke collapsed from the stab wound. He was brought to hospital, but he died later that night from internal bleeding caused by the stabbing. Mark survived, but Matthew has now been charged with murder. With reference to the appropriate case law, advise him of any defence available to him.

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