

GX 1674

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

**SEMESTER 1 Examinations, 2003/2004**

<b>Exam Code(s)</b>	3BA1, 3BA6, 4BA4, 4BA8, 1EM, 1OA
<b>Exams(s)</b>	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>	LW301
<b>Module(s)</b>	Criminal Law I
<b>Paper No.</b>	1
<b>External Examiner(s)</b>	Prof. Paul McCutcheon
<b>Internal Examiner(s)</b>	Mr. Gerard Coffey
<b>Instructions</b>	Answer <b>THREE</b> Questions
<b>Duration</b>	<b>TWO</b> Hours
<b>No. of AnswerBooks</b>	
<b>Requirements:</b>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
<b>No. of Pages</b>	
<b>Department(s)</b>	Law

PTO

1. John and Mary have been caring for Noel, who is only three years of age (John's son from a previous marriage) since the death of Noel's mother last year. John is a member of a popular show-band and consequently is on the road most of the time, and only manages to come home one weekend per month. Mary has developed a deep hatred of Noel and keeps him locked in his bedroom most of the day, and only gives him food when it suits her. When John does come home he spends most of his time with Mary and their friends, paying little attention to Noel. Mary has high blood pressure and constantly places her medication on the coffee table. One particular evening, when Noel was allowed out of his bedroom, he saw the medication on the coffee table, and mistaking them for sweets, consumed the entire contents. Noel died shortly afterwards and the autopsy revealed that Noel had died from a combination of malnutrition and an overdose of the blood pressure medication.

John and Mary have been charged with manslaughter because of their failure to care for Noel. They seek your advice as to their potential criminal responsibility.

2. The meaning of intention for the purposes of criminal responsibility is a difficult concept to define.

*Discuss.*

3. Outline the law on the defence of provocation applicable in most common law jurisdictions. How does Irish law on the defence of provocation differ from most other common law jurisdictions?
4. Jane and Michael were witnesses to a stabbing by Liam, a local thug, which resulted in the death of the victim. Jane and Michael gave statements to the Gardaí to the effect that they had witnessed the stabbing and that they were in no doubt that it was Liam who had stabbed the victim. However, at Liam's trial for murder, Jane and Michael denied making the statements to the Gardaí and refused to identify Liam as the person who had stabbed the victim. It later emerged that when Jane and Michael were waiting for the train to take them to the Central Criminal Court, that they had been 'approached' by some of Liam's associates.

Both Jane and Michael have been charged with perjury and perverting the course of justice. Advise them of any possible defence available.

5. Michael was out socialising one evening with his friends and had consumed a large quantity of alcohol, which he usually does but has never become violent. However, on this particular evening, one of Michael's friends spiked one of his drinks with an ecstasy tablet. Some time later at the local nightclub, Michael began to act out of character and started a number of altercations with the result that the bouncers decided to escort him off the premises. However, Michael didn't want to leave so he grabbed a bottle from a table and repeatedly hit one of the bouncers over the head killing him.

Michael has been charged with murder and seeks your advice as to any possible defence available to him.