

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2003/2004

Exam Code(s)	3&4BA1, 3BA6
Exams(s)	3 rd & 4 th Bachelor of Arts (Legal Science) 3 rd Bachelor of Arts (Public & Social Policy)
Module Codes(s)	LW304
Module(s)	Criminal Law II
Paper No.	1
Repeat Paper Special Paper __	
External Examiner(s)	Professor J. Paul McCutcheon
Internal Examiner(s)	Mr. Gerard Coffey
<u>Instructions</u>	
Duration	Time allowed: TWO hours Answer THREE questions
No. of AnswerBooks	
<u>Requirements:</u>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
Department(s)	Law

PTO

1. "Any person who aids, abets, counsels or procures the commission of an indictable offence shall be liable to be indicted, tried and punished as a principal offender." (Criminal Law Act 1997, s. 7(1)).

Discuss.

2. John, being down on his luck decides to rob the local post office. On the day of the proposed robbery, he rode a motorcycle wearing a crash helmet and sunglasses along the road outside the post office. The police, having obtained information that an attempt might be made to rob the post office had observed John's activities. A short time later, John was observed by the police as he walked along the footpath outside the post office, still wearing his crash helmet and sunglasses. The police decided to make their move and apprehended John just outside the door of the post office. They searched him and found an imitation firearm in his jacket pocket, together with a threatening note. On being questioned by the police, John admitted that he had been reconnoitring the post office and had intended using the note to frighten the person behind the counter in the course of the proposed robbery. However, John maintained that he had decided not to proceed with the robbery and was apprehended by the police before he could return to his motorcycle and return home.

John has been charged with the attempted robbery of the post office, and seeks your advice as to his potential criminal liability.

3. In the course of a fight between Frank and Spencer, Frank shouted "I'm going to kill you" and then stabbed Spencer repeatedly. Frank immediately ran from the scene. A short time later a number of people found Spencer lying on the ground bleeding profusely. They immediately made a makeshift stretcher from a piece of hoarding they found at a nearby construction site. They proceeded to carry Spencer to the local hospital which was only a short distance away, but because they could not grip the hoarding properly, they accidentally dropped Spencer twice on the way to the hospital. When they eventually arrived at the hospital, Spencer had regained consciousness, so the medical personnel, who were extremely busy at the time, merely tended to his wound caused by the stabbing, without conducting a thorough examination. Spencer was later told that he would require a blood transfusion as he had lost a lot of blood, but he refused on religious grounds. Furthermore, the doctor on duty asked Spencer if he could take penicillin, an antibiotic, to which he replied that he could not as he had previously suffered a severe allergic reaction to the drug. Accordingly, the doctor prescribed a different type of antibiotic and Spencer was detained in hospital overnight for observation. However, the following morning he was seen by a different doctor on duty who negligently prescribed penicillin. Spencer's condition rapidly deteriorated and he slipped into a coma. He died exactly a year and five days later.

Frank has been charged with Spencer's murder but claims that he is not responsible, and seeks your advice as to his potential criminal responsibility.

Advise Frank.

4. Outline the range of conduct that may result in a conviction for involuntary manslaughter.
5. Examine the meaning of 'consent' when applied to the crime of rape.

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