

GX 1691

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2003/2004

Exam Code(s)	2CW1
Exams(s)	2 nd Bachelor of Civil Law
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. Tom O'Malley
<u>Instructions</u>	
Duration	Time allowed: TWO hours Answer THREE questions
No. of AnswerBooks	
<u>Requirements:</u>	
Handout	
MCQ	5
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
Department(s)	Law

PTO

1. Answer (a) and (b)
 - (a) Give a brief description of each of the inchoate offences.
 - (b) Sonny was a contestant in the final of "Air Square", a song contest organised by a radio station in Galway. He was fairly confident of winning but felt that there was one other contestant, Ahmed, who could perhaps beat him in the final. The final was due to take place on the night of March 17, 2004. That afternoon, Sonny invited Ahmed around to his house for tea, telling him that he just wanted to show that there would be no hard feelings between them no matter who won or lost. However, he put some poison into Ahmed's tea. Ahmed became very ill as a result and spent several days in hospital. There is medical opinion that if slightly more poison had been used, Ahmed would probably have died. Sonny, who claims that all he wanted to do was to make Ahmed so sick that he would be unable to participate in the song contest final, has now been charged with attempted murder. Advise him as to whether he is likely to be convicted of attempted murder in these circumstances
2. Write an essay on the law relating to manslaughter including in your answer an account of the law as it applies both to manslaughter by unlawful and dangerous act, and manslaughter by gross negligence.
3. Describe the main assault offences created by the Non-Fatal Offences Against the Person Act, 1997, including an account of the main ingredients of each of them.
4. In January 2004, John, aged 19 years, invited his girlfriend Sandra, then aged 16, out to dinner for her birthday. After the dinner, he told her that he had a surprise party arranged for her in a house owned by his parents in the country. He drove her to the house which was in remote area. When they arrived there, the house was in complete darkness and there was nobody else there. Furthermore, the electricity had been cut off. John lit some candles and asked Sandra to have sexual intercourse with him. She refused but he told her that if she persisted in her refusal, he would drive off and leave her there on her own. She was petrified at this prospect and so she reluctantly agreed to have intercourse with him. After that, he drove her home. She has now made a complaint that she was raped by John on that occasion. A file has been sent to the Director of Public Prosecutions who has sought your advice as to the charges, if any, he can bring against John. Advise the Director, giving reasons for your answer.

PTO

5. Answer (a) and (b)

- (a) Describe what is meant by (i) sexual assault and (ii) aggravated sexual assault.
- (b) Toby lived on his own in a house with a large orchard at the back. In the house next door lived the White family who had three young sons. Occasionally, these boys (all of whom were aged between seven and 11 years at the material time) would come in over the wall to Toby's orchard to take apples which were growing on the trees. Whenever, Toby caught one of them doing this, he would make the child come into his house, take off all his (the child's) clothes, walk naked around the kitchen, then put on his clothes and leave. Toby never touched any of the children while they were doing this, and he claimed that he made them do it as a punishment for trespassing on his property. Toby has now been charged with several counts of sexual assault in respect of these incidents. Advise him as to whether he is likely to be convicted of sexual assault in these circumstances.

6. Jim lives in a housing estate on the outskirts of Galway. Some months ago, Mr and Mrs Jones moved into the house next door to him. Apart from a brief introduction, Jim does not know them very well. One Thursday evening, shortly after the Jones family moved in, they mentioned to Jim that they were going away for the weekend and asked him to keep an eye on the house. They did not give him a key to the house, but just asked him to alert the police in the event that he saw anybody trying to break in. Jim agreed to do this. The next evening, knowing that the Jones family were away, Jim went into their garden shed and took their lawnmower. He brought the lawnmower to his teenage nephew, Oisín, who was on his Easter holidays from school. Oisín spent the next two weeks going around to houses in his locality and cutting grass with the mower. He earned a good deal of money from this. Three weeks after taking the mower, Jim retrieved it from Oisín and put it back in the shed attached to Mr and Mrs Jones' house. Somebody saw him doing this and when he was interviewed by the police, he said that it had always been his intention to leave back the mower as soon as Oisín returned to school. He has now been charged with theft. Advise him as to whether he is liable to be convicted of theft in these circumstances.

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