

NATIONAL UNIVERSITY OF IRELAND, GALWAY  
FACULTY OF LAW

SUMMER EXAMINATIONS 1998/1999

LL.B. - ALL YEARS

CRIMINAL LAW (LW330)

Professor A. Ashworth  
Mr T. O'Malley

Time allowed: **THREE** Hours

Answer **FOUR** questions

1. 'The concept of intention is inadequate unless it is interpreted to include foresight of consequences. Otherwise, it would be better to abandon intention as the mental element of serious crimes and replace it with gross recklessness'. Discuss.
2. Some weeks ago, Jimmy, who suffers periodically from mental illness, was labouring under the delusion that members of the local branch of a political party were conspiring to have him charged with a serious offence and imprisoned. In order to frustrate this plan as he imagined it, he set fire to their headquarters. He has now been charged with arson which carries a maximum sentence of life imprisonment. Does he have any defence available to him? If you were his defence lawyer, how would you advise him to respond to the charges?
3. Describe the circumstances in which a mistake of fact will be held to annul criminal responsibility.
4. Paddy, a farmer, has been charged with allowing slurry from his farm to contaminate a river, in contravention of a statute which provides that 'anyone who permits a deleterious substance to enter a river' shall be guilty of an offence carrying a fine of up to £5,000. Paddy protests that while slurry from his farm did in fact enter the river, he was unaware that it was happening and, furthermore, that he had spent a considerable sum of money on the construction of a slurry tank in order to comply with the legislation in question. Advise him as to whether these factors will provide him with a defence.
5. John has been living with Anne who has two teenage daughters from a previous relationship. One night, while Anne was at work and John was alone with one of the teenagers, Michelle, who is 16 years of age, he asked her to have sexual intercourse with him. When she refused, he threatened that if she did not comply with his demand, he would tell her mother that she was using cannabis (which was true) and that her mother would consequently prevent her from going to discos. As a result of this threat, Michelle allowed John to have intercourse with her. The following evening, John promised £20 to Susan, Michelle's 12-year-old sister, if she masturbated him. She did so in return for the money. Anne has now learned about John's behaviour with her daughters and seeks your advice as to the offences, if any, with which he may be charged. Advise her.

PTO

5. Answer (a) and (b)

- (a) Give a brief account of the present law on infanticide.
- (b) Immediately after qualifying as a doctor, Mary became an intern in a busy hospital. Interns in that hospital are expected to work very long hours without a break. One evening, Mary was in the casualty department attending a patient who had been badly injured in a car accident. By this time, she was coming to the end of a 15-hour duty stint and was very tired. She gave the patient an injection, but through a combination of absentmindedness and fatigue, put the wrong substance (which transpired to be poisonous) into the syringe. The patient died as a result of the injection. Mary has now been charged with manslaughter. Advise her as to whether the administration of a lethal injection in these circumstances may amount to manslaughter.

7. Michael is a solicitor who acted regularly for an elderly woman who was a substantial shareholder in several companies. He frequently acted as her agent in the purchase and sale of shares. It now transpires that on several occasions he sold shares on her behalf but misinformed her about the amount realised and retained part of the proceeds for himself. On two occasions he sold some of her shares, without informing her at all, by signing her name on the documents which required her signature before the sale could be effected. On these occasions, he kept all the proceeds. Finally, it transpires that he billed her for several transactions which he never in fact carried out. Describe the offences with which Michael may now be charged.

8. On 20 May 1999, Tom entered Sparks Electrical Store armed with a revolver. He first ordered all of the staff and customers to lie on the floor and then ordered one of the staff to hand over several portable CD players which he took away with him. His friend Dick, who was waiting outside in a car, drove him to Harry's house. There, Tom sold the CD players to Harry who runs a discount store in a nearby town. With which offences may Tom, Dick and Harry be charged?