



THE HONORABLE SOCIETY OF KING'S INNS

ENTRANCE EXAMINATION

AUGUST 2006

Examination: CRIMINAL LAW

Date: THURSDAY 24 AUGUST 2006

Time: 10.00 a.m. – 1.00 p.m.

Examiner: Mr Tom O'Malley BL

External Examiner: Mr Michael O'Higgins SC

INSTRUCTIONS:

ANSWER ANY THREE QUESTIONS

1. Answer (a) and (b)
 - (a) Describe what is meant by an inchoate offence;
 - (b) Choose any one of the inchoate offences and describe its main elements in some detail.

2. John awoke one night and heard noises coming from a downstairs room of his house. He went down to investigate and found a young man and woman (called Peter and Alice, as he later discovered), who had obviously broken into the house, sitting at the dining room table and drinking from a bottle of whiskey which John had left there. John shouted at them, asking him to leave. Alice got up and ran out of the house, but Peter, who was quite drunk, got up from the table and hit John across the head with the whiskey bottle. John was momentarily stunned but he quickly managed to grab hold of Peter and get him over to the doorway and out of the house. After John closed and firmly locked the door from the inside, he remained downstairs for a while to see if any damage had been done to the contents of the house. He could hear Peter outside shouting obscenities and saying "we'll be back." John went upstairs and got a shotgun which he held legally, loaded it with ammunition, went downstairs, opened the front door, pointed the gun at Peter who was still loitering around the front garden, pulled the trigger and shot him. Peter slumped to the ground. John then called an ambulance, but by the time it arrived Peter had already died from the gunshot wounds. John has now been charged with murder. Advise him of any defence available to him.

3. The Director of Public Prosecutions has received a file from the Gardai containing the results of their investigation into allegations of sexual offences committed by Richard against his adopted daughter Nicola who was born on 1 March 1989. It is alleged that on one occasion in early February 2005, Richard went into her bedroom and touched her breasts while she was asleep. It is further alleged that during the same month, he brought her to a hotel, bought her a good deal of drink and then when she was quite drunk, he had sexual intercourse with her. In his statement to the Gardai, Richard said that on that occasion, Nicola fully agreed to have intercourse with him. In her statement, Nicola said that while she is aware that she had intercourse with Richard on that occasion, she cannot recall for certain if she consented. Advise the Director of Public Prosecutions as to the charges, if any, that may be brought against Richard, giving reasons for your answers.

4. Jack and Jane were both heroin addicts. One evening, after they had been drinking, they returned to Jack's house. Jane asked for heroin but Jack told her that he was going to bed and did not intend to take any more drugs that night. Jane became quite angry and argumentative and said that she would not leave until she got some heroin. Jack relented and agreed to give Jane a heroin injection, which he did. Shortly after that, Jane became very ill and had to be removed to hospital where she died the following morning. A toxicology report showed that the principal cause of death was the heroin injection given to her by Jack. Because she had so much to drink earlier on, the introduction of heroin into her system had caused organ failure and, consequently, death. The Director of Public Prosecutions has sought your advice as to any criminal charge which he might bring against Jack. Advise the Director.

 5. Patrick, who is 23 years of age, bears a close resemblance to his brother Rodge who is a year older. For the past few months, Rodge has been in a relationship with a 18-year-old woman, Lisa, who lives with her parents in a nearby bungalow. Her parents do not approve of the relationship and have forbidden Rodge to enter the house, largely as a result of one or two unfortunate episodes when he arrived there in a drunken state. However, he and Lisa have an arrangement whereby he calls to the house late at night and enters her bedroom through a window which she leaves open for that purpose. Patrick is aware of this arrangement. One night last week, while Rodge was being detained overnight for questioning in the local Garda Station, Patrick went to Lisa's house and knocked on her bedroom window which was partly open. By then it was quite dark outside and there was no light on in the bedroom. Lisa came over to the window and said: "Is that you Rodge?" "Yes, it is", replied Patrick. "Come on in," replied Lisa. Patrick entered the room and tried to pretend he was Rodge. Quite soon, however Lisa discovered that it was Patrick but because she knew him reasonably well, she did not ask him to leave but talked to him for a while. Eventually, Patrick asked if he could stay with her for the night and she agreed. During the night they had sexual intercourse to which she consented. Unfortunately, Patrick has quite a loud voice and in the early hours of the morning, Lisa's father came into the room. He became quite agitated when he discovered Patrick, whom he held in even lower esteem than Rodge, in bed with his daughter. He reported the matter to the Gardai and they have sought your advice as to whether there is any offence with which Patrick might be charged. Advise them, giving reasons for your answer.
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