

Entrance Exam 2002

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**THE HONORABLE SOCIETY OF KING'S INNS**

**ENTRANCE EXAMINATION**

**SEPTEMBER 2002**

**Examination: Criminal Law**

**Date: Thursday 5 September 2002**

**Time: 10.00 a.m. – 1.00 p.m.**

**Internal Examiner: Mr. Tom O'Malley**

**External Examiner: The Hon. Mr. Justice Carney**

**Instructions**

**Answer THREE questions.**



King's Inns entry examination, Criminal Law

Extern Examiner: Mr Justice Paul Carney  
Intern Examiner: Mr. Tom O'Malley

Answer any THREE questions

1. Patrick, a 13-year old boy, was expelled from school last week for engaging in misbehaviour which he denies. He was deeply resentful at the decision of the school principal to expel him and decided to take revenge. Late the following night, he got a can of petrol from his father's garage and went to the school. He broke one of the windows, poured petrol into a schoolroom on top of some books and threw in a lighted match. The building was set ablaze and, unfortunately, a caretaker who was sleeping in an annexe attached to the school that night died in the fire. Patrick claims that although he had heard in the past that the caretaker occasionally slept in the school building, the possibility that he might be there had never occurred to him when he was setting fire to the building. Patrick has now been charged with murder. With reference to the appropriate law, advise him of any arguments that he might use in his defence.
2. John, a 26-year-old man, awoke in the early hours of the morning and heard his parents having a row downstairs. When he went to investigate he found that his father, Larry, had arrived home drunk, which was not an unusual occurrence, and was verbally abusing his wife, John's mother. Larry was claiming that the reason for his drinking was that his wife did not care for him and said that he was fed up living with "a deaf zombie". This was a reference to the fact that his wife used a hearing aid. John became so infuriated at this insult to his mother that he grabbed a knife from the kitchen table and stabbed his father in the chest. His father collapsed on to the floor. John and his mother managed to get Larry into the family car and John drove him at high speed to the nearest hospital but he was dead on arrival. It so happens that at that time, John was disqualified from driving. John has now been charged with the murder of his father, with driving in excess of the speed limit and with driving while disqualified. Advise him of any defences that may be available to him in respect of these various charges.



3. Liam brought his 16-year-old cousin, Sarah, to a party that was being held to celebrate the engagement of one his friends. On the way home, they stopped off in a quiet location where they kissed and engaged in some sexual intimacy. Liam asked Sarah if she would like to come back to his apartment and she said that she would. When they got to the apartment it was in darkness and Liam said that the electricity had been cut off. He lit a candle in the living room and asked Sarah to have sexual intercourse with him. She refused, but he locked the door and said "well, you don't have much choice in the matter, do you?". He also told her that if she refused his request, he would tell her parents that she had been smoking cannabis at the party (which was true). Reluctantly, she had intercourse with him, after which he brought her home. The following morning, she informed the Gardai that Liam had raped her. The Gardai have now sent a file on the matter to the Director of Public Prosecutions who, in turn, has sought your advice as to the charge(s), if any, that can be brought against Liam. Advise the Director, with reference to the appropriate law.
  
4. Advise the Director of Public Prosecutions as to the charges, if any, that might be brought in **each** of the following cases, referring to the appropriate law, and giving reasons for your advice.
  - (a) Mary booked into a hotel for the night. In the early hours of the morning, she got up, packed the sheets, pillow cases and towels with which she had been supplied into a suitcase, left the hotel without paying and kept the goods which she had taken from the bedroom.
  - (b) Michael walked into a shop, took several items of expensive jewellery and ran off with them. As he was leaving the shop, the owner tried to restrain him, but Michael knocked him to the ground and kicked him in the stomach causing him serious injury.
  - (c) Kathleen has a mobile home, located at Roundstone, Co. Galway, which she occasionally uses for holidays. Some months ago, she gave a spare set of keys to the mobile home to her nephew Stephen and told him that he could stay in it any time he was in the vicinity. Last week, Stephen and his friend Maria visited the mobile home in question and took from it several valuable items which belonged to Kathleen. They then sold those items in Galway and kept the money.
  
5. Answer (a) **and** (b)
  - (a) Describe the main assault offences created by the Non-Fatal Offences Against the Person Act, 1997.
  - (b) Peadar and his best friend Michael, both passionate football fans, had had a good deal to drink when a row broke out between them over whether



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Roy Keane was right to return home rather than play for Ireland in World Cup 2002. The row took place outside a fast food takeaway which had a large plate glass window. At one point, when Peadar made a disparaging remark about Roy Keane, Michael hit him a blow in the face as a result of which Peadar fell through the glass window. In so doing, he severed an artery and died a short time later. Advise the Director of Public Prosecutions as to the charge(s), if any, that may be brought against Michael.