



THE HONORABLE SOCIETY OF KING'S INNS

ENTRANCE EXAMINATION

AUGUST 2005

Examination: CRIMINAL LAW

Date: THURSDAY 25 AUGUST 2005

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
Time Allowed: Three Hours

1. In July 2005, Michael attended stag party which began at 5.00 p.m. in the afternoon and continued until 2.30 p.m. the following morning. During that time he and his friends were drinking alcohol continuously. He arrived home at about 3.00 a.m. in the morning, heavily intoxicated. He decided to go to bed immediately, but as he was about to do so, he heard a noise outside his house. He went out and saw two teenage boys trying to get into his car. He asked them what they were doing. They replied that they were “only messing” and walked off. Michael ran back into the kitchen, got a sharp carving knife and ran after the boys. He caught up with one of them, stabbed him several times with the knife and within ten minutes, the boy was dead as a result of the stab wounds. Michael has now been charged with murder. He claims that if he had been sober he would never have considered attacking the boy. Advise him of any defence available to him, referring to appropriate legal authorities.

2. For many years Peter has been strongly opposed to blood sports. He was the founding member of a pressure group which was formed to lobby the Government to outlaw the hunting of wild animals. He lives in an area in which there is a strong hunting tradition, and he has taken part in many demonstrations during hunt meetings to show his opposition to them, although all of those demonstrations were entirely peaceful. Late last year, he gave several interviews on local radio stations and to local newspapers in which he set out the case for legislation to ban blood sports. One evening, a few weeks later, as the local hunt was returning home, one of the participants took a dead fox which had been killed in the course of the hunt and threw it into Peter’s front garden. This happened just as Peter was getting out his car in front of his house. He ran into his house, got a loaded shot gun which he legally held, ran after the person who had thrown the dead fox into his front garden and shot him dead. When questioned by the Gardai, he said that he became so infuriated by the action of the deceased that he “just flipped” and could not restrain himself. He has now been charged with murder. Advise him of any defence available to him, making reference to relevant legal authorities.

3. Larry is unemployed and addicted to cannabis. Last year, he owed a good deal of money to a drug dealer, Tony, who told him that he would not seek to recoup the money if Larry was prepared to work for him by collecting money from others to whom he (Tony) was supplying drugs. Tony warned Larry that at all times he was to do exactly as he was ordered and that if he disobeyed an order, he would be kneecapped. A few weeks after this arrangement was made, Tony told Larry to go to an apartment where a man called Jamie lived on his own. Tony said that he was owed a good deal of money by Jamie. He ordered Larry to demand the money from Jamie and not to hesitate to give him "a few belts" if he seemed reluctant to hand it over. Larry went to the apartment. Jamie answered the door and stepped outside to talk to him. Larry demanded the money which was owed to Tony. Jamie became quite abusive and told Larry to go away. Larry hit Jamie a strong punch across the face. Jamie lost his balance as a result of the blow and fell backwards, hitting his head against a concrete step outside the front door of his apartment. He seemed to become unconscious immediately. Larry ran away. Some neighbours later found Jamie and called an ambulance but he was dead by the time it arrived. With the aid of CCTV footage, the Gardai have identified Larry as the person who hit Jamie. Advise Larry as to the offence(s) with which he is liable to be charged and of any defence that may be available to him.

4. Last week, Anthony and Eugene, both of whom are in their early twenties, went to an area frequented by prostitutes. There they met with Nicola and Jane who were working as prostitutes. Anthony drove Nicola to a secluded location and she agreed to have sexual intercourse with him in return for a specified sum of money. They had sexual intercourse, but when Nicola asked for the agreed sum of money, Anthony became very aggressive. He refused to pay and forced her to leave the car and walk home. She immediately reported the matter to the Gardai. Meanwhile Eugene brought Jane to a secluded location in his car, had sexual intercourse with her, and paid her the sum of money which they had agreed in advance. This latter episode came to the attention of the Gardai while they were investigating the complaint made by Nicola in regard to Anthony, and they have discovered that on the night in question Jane was just 16 and a half years of age. When Eugene was questioned about this, he said that while he had not questioned Jane about her age, he had assumed from her appearance that she was in her late teens or early twenties. A senior Garda officer has sought your advice as to the charges, if any, that may be brought against Anthony and/or Eugene. In particular, he is anxious to know if Anthony can be charged with rape. Advise him, referring to the appropriate legislation and case law.

5. Advise the Director of Public Prosecutions as to the criminal charges, if any, that may be brought in any TWO of the following situations. Give reasons for your answer in each case and refer to any relevant legislation or case law.
- (a) In October 2004, John, who was then living in Cork, rented a television set from Leaside TV Ltd. The rental cost was €10 a month payable by standing order. He paid the rent as agreed for the first six months. In early April 2005, he moved to Dublin, and brought the television set with him. He did not inform Leaside TV Ltd of his intended move, nor did he inform them of his new address. Furthermore, he cancelled his standing order and ceased to pay the monthly rent. The Gardai have now located him at his new address in Dublin and have found that he still has the television set in his possession.
 - (b) Craig booked into the Midland Hotel for one night. He checked out the following morning and paid the amount due for the night's accommodation. However, shortly after he left it was discovered that during the night he had come downstairs and entered the assistant manager's office from which he took €500 in cash. It was also discovered that he had taken a pillow case and two sheets from his room as well as several small bottles of shampoo from the en suite bathroom attached to his room.
 - (c) Mrs Smith was having coffee with a friend in the foyer of a city centre hotel. She had her handbag and shopping bag on the floor beside her chair. Suddenly, a young woman, Lisa, who was hovering about the place, grabbed Mrs Smith's handbag and ran away with it. A member of staff, Ross, saw this happening and ran over to try to stop Lisa getting away with the bag. He managed to catch hold of her arm as she approached the top of a staircase leading down to a fire exit from the hotel. However, Lisa swung around and pushed Ross down the stairs as a result of which he sustained several injuries, including a broken arm. Lisa managed to escape from the hotel but was arrested by the Gardaí a few minutes later.