



CRIMINAL LAW

DEGREE OF BARRISTER-AT-LAW THE HONORABLE SOCIETY OF KING'S INNS

ENTRANCE EXAMINATION

DATE: 8 August 2025

TIME: 3 hours

EXAMINER Mr Tom O'Malley SC

EXTERNAL EXAMINER | The Hon Mr Justice Micheál O'Higgins

INSTRUCTIONS

A candidate must answer Question 1 (50% of marks) and **TWO** other questions (each 25% of marks).

This paper is 5 pages long including the cover sheet.

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Q1 | COMPULSORY QUESTION

50 MARKS

James runs a grocery shop in a small provincial town. Until recently, this was the only grocery shop in the town in question, but in January 2025 John and Margaret arrived in the locality and opened up another grocery shop nearby. This had an adverse effect on James's business. In the early hours of a Sunday morning in February 2025, James went to the premises owned by John and Margaret, entered it at ground floor level by a back window and set fire to it. The premises was destroyed and, unfortunately, John and Margaret, who were sleeping upstairs, died in the blaze. James claims that he had been told by neighbours that John and Margaret always went to visit Margaret's parents on Sunday evenings and that they did not usually return home until the following morning. He admits that he intended to destroy the shop, but claims that he genuinely believed that the building was unoccupied at the time. James has now been charged with the murder of John and Margaret. Advise him as to whether he is likely to be convicted of murder in these circumstances.

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Q2

25 MARKS

In February 2025, Peter, who was then 18 years of age, met Mary and they entered into a relationship. She told him that she was 17 years of age, although in fact she was only 16 years at the time and will not be 17 until November 2025. Over a period of some months (between February and May 2025), they had consensual sexual intercourse on several occasions. One evening in late June 2025, they attended a party and afterwards Mary stayed for the night in Peter's apartment. They slept in the same bed but did not engage in any sexual activity before falling asleep. During the night, Mary woke up and found Peter having sexual intercourse with her. She asked him to stop but he refused to do so. She was very upset by this experience and, the following morning, she reported the matter to the Gardaí. Peter, when interviewed, admitted that he had intercourse with Mary several times since they first met but said that he

always believed that she was over 17 years of age. He also admitted having sexual intercourse with her while she was asleep on the occasion just mentioned, but he said he assumed that “she would not mind.” The Gardaí have now forwarded a file on the matter to the Director of Public Prosecutions who has sought your advice as to charges that may be brought against Peter. Advise the Director.

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Q3

25 MARKS

Anthony was, until recently, a very successful businessman. However, in recent years, his business had been in decline until eventually, early in 2025, it collapsed entirely. He owed a great deal of money to the banks and some of the loans were secured on the family home to which he and his wife, Sandra, were deeply attached and which he was now likely to lose. He had not told his wife of the extent of his financial difficulties. In May 2025, when it became clear that he would lose everything, including his home, he became deeply depressed. One night in late May 2025, without warning, he took a shot gun which he legally owned and shot his wife dead in the living room of their house. He has now been charged with the murder of his wife. He has admitted the killing but said that he was acting out of good motives because he wanted to spare his wife the extreme hardship that she and he would suffer as a result of their financial ruin. There is psychiatric evidence to the effect that Anthony was suffering from reactive depression, which is a medically recognised condition, at the time of the killing. Advise Anthony as to whether, in these circumstances, he is likely to have any defence to the murder charge.

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Q4

25 MARKS

Mark is a drug addict who, in early June 2025, was released from prison where he was serving a sentence for theft. By this time, he owed a significant amount of money to Barry who had been supplying him with drugs. One night, shortly after his release, he had a visit from Barry who demanded payment of the money that was owing to him. Mark explained that he did not have any money. Barry then told him that he wanted him instead to “do a job” for him. He gave Mark a firearm and told him that he was to use it the next evening to shoot Roddy, a rival drug dealer. He made clear that he did not want Mark to kill Roddy but that he was to “kneecap” him instead. Mark protested strongly, saying that he had never used violence against anybody, and did not wish to do so now. Barry replied that if he did not do as he was told, he would be a dead man himself within a matter of days. Mark very reluctantly did as he was told. The following evening, he lay in wait for Roddy and shot him in the legs as he was approaching his house. Roddy survived the attack, though he suffered serious injuries and had to have one of his legs amputated. Mark was soon identified as the assailant and was arrested. He has been charged with causing serious harm contrary to section 4 of the Non-Fatal Offences Against the Person Act 1997. You are asked to advise him as to whether, in these circumstances, he has any defence available to him. Would your advice be different if Roddy had died as a result of the shooting?

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Q5

25 MARKS

Mary, an elderly woman, was having tea with a friend in a hotel foyer. She had left her handbag on the floor beside the armchair on which she was sitting. While she was talking to her friend, a man (subsequently identified as Kieran) came into the foyer, ran over to where Mary was sitting and grabbed her handbag. As soon as she saw what was happening, Mary tried to retrieve her bag from Kieran but he took a knife which happened to be

on a nearby table and stabbed Mary in the hand. He then ran off with the bag which contained several valuable pieces of jewellery. Mary had to be brought to the accident and emergency unit of a local hospital to have the stab wound treated and she was then discharged. Later that day, Kieran brought the jewellery to a shop which sold antique and second-hand jewellery and offered to sell it to Michael, the shop owner. He offered to sell it for €100 but Michael eventually bargained him down to €60 which he accepted. In fact, the items in question were worth about €2,000 altogether. Give your advice as to the charges that may be brought against Kieran and Michael in these circumstances.