



**THE HONORABLE SOCIETY OF KINGS INNS**  
**ENTRANCE EXAMINATION**  
**AUGUST 2019**

**Examination:** Criminal Law  
**Date:** Tuesday 13 August 2019  
**Time:** 10.00 a.m. – 1.00 p.m.  
**Internal Examiner:** Mr Tom O'Malley NUIG  
**External Examiner:** Mr Micheál P O'Higgins SC

**INSTRUCTIONS:** Candidates **must** answer Question 1 and two other questions.

**Question 1 carries 50 marks. All other questions carry 25 marks each.**

This paper is 4 pages long including the cover sheet. You should check that you have all the pages and inform the invigilator immediately if any are missing

## QUESTION 1.

Some months ago, the Gardai received a complaint from Joanna (born in 2001) that she had been sexually abused by her uncle William (born in 1959). Shortly after the Garda investigation began, another of William's nieces, Patricia (born in 1995) and his nephew Gerard (born in 1993) made similar complaints. The Gardai have now completed their investigation and have forwarded a file on the matter to the Director of Public Prosecutions. The file contains the following allegations against William:

- (a) In 2014, while Joanna was visiting William and his family, William brought her into a bedroom where he exposed himself to her and asked her to masturbate him. When she refused to do so, he pulled her towards him and forced her to masturbate him.
- (b) In 2015, Patricia accompanied William to a music festival. On the way home, he asked her to have sexual intercourse with him. At first, she refused, but he said that he would give her €300 if she did. Patricia, who needed money at the time, therefore had sexual intercourse with him in return for €300.
- (c) In 2008, William brought Gerard to a football match. On the way home, he drove to a remote area and began to engage in sexually explicit conversation. He then said to Gerard: "Would you like to know how men have sex with each other?" Gerard replied that he would. At that point, William put his penis into Gerard's mouth.

On the basis of this information, advise the Director of Public Prosecutions as to any charges that may be brought against William in respect of his alleged conduct with Joanna, Patricia and Gerard.

**[50 marks]**

## QUESTION 2.

John is about to go on trial in the Central Criminal Court for the murder of his wife Mary. The circumstances of the killing were as follows. On the evening of 18 March 2018, John and Mary went to a public house where they met with friends and had two or three drinks each. About a half hour before they left, a man named Denis, with whom Mary had been in a relationship for a short time before she married John, came into the pub. Mary seemed very happy to see him and spent some time talking to him. However, at closing time, she and John got a taxi and returned home. When they got home, they went into the kitchen where they had tea. Mary then said to John: "You had better go upstairs to bed, because I am expecting Denis to call around to see me". On hearing this, John jumped up from the table, got a carving knife from a drawer and stabbed Mary several times with it. He then went upstairs. About a half hour later, he came down and found Mary lying on the floor and apparently unconscious. He called an ambulance which arrived soon afterwards, but Mary was then pronounced dead.

On the basis of this information, advise John of any defence that may be available to him at his trial.

**[25 marks]**

### **QUESTION 3.**

Peter has been charged with the murder of his son Mark who died in the following circumstances. Mark was aged 25 years at the time and had an intellectual disability. He was living with Peter who took great care of him. Mark's mother and Peter were divorced, and she was then living in England. On the evening of 10 May 2018, Mark was watching television in the living room. Peter entered the room carrying a legally held shot gun and shot Mark dead. Some time later, he called the Gardai and admitted what he had done. He explained to them that, a few days earlier, he had been informed that he was being dismissed from his job which meant that he would no longer have an income. This, in turn, meant that he would no longer be able to pay his mortgage or look after Mark to the same extent as before. He said that he thought killing Mark was the best thing to do in the circumstances. Since then, Peter has been subject to psychiatric assessments which show that, at the time of the killing, he was not suffering from any serious psychiatric illness such as schizophrenia, but that he was suffering from what has been termed "reactive depression," This is defined as depression resulting from some particularly stressful or traumatic event. Based on these facts, advise Peter as to any defence that may be available to him at his trial.

**[25 marks]**

### **QUESTION 4.**

One evening in July 2019, Brian entered a café which was open for business at the time. Rather than take a seat at a table, he went into the kitchen at the back of the café and took a handbag belonging to Jane who worked there. He ran out of the kitchen with the handbag and Jane, as soon as she realised what had happened, ran after him. She caught up with him outside on the pavement and tried to get the bag off him, but he hit her several blows on the head and made off with the bag. Jane suffered concussion as a result of the blows and had to be hospitalised for a short time for medical treatment. Brian then went to the home of his brother Matthew to whom he gave the handbag and asked him to keep it safe for him. Matthew agreed to do so. However, the Gardai, who had been alerted to the incident by a customer in the café, had been keeping Brian under surveillance. They soon arrested both him and Matthew. They have now sent a file on the matter to the Director of Public Prosecutions and you are asked to advise the Director as to the most appropriate charge(s) to be brought against Brian and Matthew.

**[25 marks]**

### **QUESTION 5.**

In June 2019, Joseph, who was 11 years of age at the time, was on holidays with his parents in a caravan park near a seaside town in the west of Ireland. Another family who were staying in a nearby caravan had a son, Larry, who was a few years older than Joseph. Larry used to play football during the day with other boys of his own age who were also on holidays in the vicinity. However, Larry refused to allow Joseph to play football with them, claiming that he was too young and that he was not as good a footballer as they were. Joseph, a keen footballer, was very hurt by this. Early one morning, at about 2.00 a.m., he got up from bed, got a can of petrol which his father kept near the caravan, and some matches, and went over to the caravan occupied by Larry and his family. He poured the petrol on the ground outside that caravan and set it alight. Almost immediately, the caravan went on fire. Larry and his father died in the blaze and the other occupants suffered serious burns. When questioned by the Gardai, Joseph said that he never intended to hurt or kill anyone, but merely wanted to frighten Larry. On the basis of this information, advise the Director of Public Prosecutions as to the most appropriate charge(s), if any, to bring against Joseph.

**[25 marks]**