THE HONORABLE SOCIETY OF KING’S INNS

ENTRANCE EXAMINATION

AUGUST 2011

EXAMINATION: Criminal Law

DATE: Tuesday 16 August 2011

TIME: 10.00 a.m. – 1.00 p.m.

Internal Examiner: Mr Tom O’Malley NUIG

External Examiner: Mr Michael O’Higgins

Instructions:

Candidates MUST attempt Question 1 and any two other questions.
Question 1 carries 50 marks.
All other questions carry 25 marks each.
Candidates must answer Question (1) which carries 50% of the marks and any two of the remaining questions each of which carries 25% of the marks.

1. Peter was born in January 2000. In March 2011, he and his parents moved to a new neighbourhood where he frequently found himself bullied by children of his own age group and slightly older. He had never actually been assaulted by any of them but he was constantly being taunted by some of them because he belonged to racial minority and had occasionally been threatened with violence by a few of them. One evening, in May 2011, his mother sent him to a local shop to buy some groceries. As he was returning home, Larry and Ronan, two 13-year-old boys from the neighbourhood, accosted him and began to subject him to racial insults. One of them asked him to hand over the bag he was carrying but he refused to do so. The two boys then pinned him against a wall and punched him as they tried to wrestle the bag from him. While they were doing this, Peter managed to take from his pocket a penknife which he was carrying. He opened it and stabbed Larry with it. He aimed the blade of the knife at Larry’s arm but the Larry moved his arm and so the blade of the penknife penetrated his chest. Larry later died as a result of the stab wound. You are asked to advise as to the offence(s), if any, with which Peter may be charged and of any defences that may be available to him.

2. Michael befriended Maria when she moved into an apartment adjoining his own. She is a native of an African country and she had come came to Ireland to seek asylum. One evening some weeks ago, she came to visit Michael in a state of distress as she had just been informed that her application for asylum had been refused. He told her that she would be allowed to remain in Ireland if she married an Irish man and that he was willing to marry her provided she had sexual intercourse with him there and then. On the strength of that representation, she had intercourse with him on that occasion and on three further occasions during the following week. At the end of that week, he suddenly moved out of his apartment. Maria managed to track him down within a few days but he informed her that he did not wish to have any further contact with her. She has also discovered that Michael is actually married but he and his wife are currently living apart. Maria then made a formal complaint to the Gardai that she was raped by Michael on four occasions. She informed them that she would not have consented to have intercourse with Michael if he had not promised to marry her and that he was well aware of that. You are asked to advise if, in these circumstances, Michael is guilty of any offence.

3. Denis is heavily addicted to heroin. One evening, some weeks ago, after he had consumed a large amount of alcohol and injected himself with heroin, he accosted two women he met on a public street. One of them, Catherine, was
carrying a handbag which he grabbed. She tried to ward him off, but he pushed her against a wall and wrestled the handbag from her. The other woman, Sandra, tried to take the bag back from him, but he hit her a blow on the head, knocking her to the ground. She suffered a fractured shoulder as a result. He made off with the handbag but was apprehended a short time later. You are asked to advise as to the offences with which Denis may charged and of any defence which he may have in respect of some or all of those offences.

4. Rachel suffers from depression for which she takes prescribed medication. Earlier this year, Sonia moved into the house adjoining Rachel’s and began to play loud music right into the early hours of the morning. On two or three occasions, Rachel asked her to stop doing this, but to no avail. One particular night, Sonia starting playing music very loudly sometime before midnight and it continued until about 3.00 a.m. the following morning, preventing Rachel from getting to sleep. Later that morning, at about 11.00 a.m., Rachel met Sonia on the pavement outside their houses and said to her: “Maybe this will teach you a lesson” and she gave Sonia a slap across the face. There was some frost on the ground at the time and, when slapped by Rachel, Sonia lost her balance and fell, hitting her head against a garden wall. She later died as a result of the head injury. You are asked to advise as to the offence with which Rachel might most appropriately be charged and of any defence that might be available to her.

5. James was passing by a house in his neighbourhood when saw a car parked outside with a “for sale” sign attached to it. As he was planning to buy a car at the time, he enquired with the occupant of the house (Simon) who said that he was willing to sell the car, a 2010 model, for €4,000 because, he said, he was in financial difficulties and needed the money quickly. James was rather surprised at this because, although he did not know very much about cars, he knew that a car of that kind would ordinarily sell for somewhere €10,000 and €12,000. However, he believed Simon’s story and bought the car from him for €4,000. Some weeks later, he saw another, almost new car parked outside Simon’s house with a “for sale” sign. When he mentioned this to an acquaintance, he was informed that Simon was strongly suspected of being part of a criminal gang who stole cars and sold them off to unsuspecting customers. James therefore immediately sold the car which he had bought from Simon to another person. The Gardaí have now begun to investigate the matter. They have established that the car which Simon sold to James was stolen and have sought your advice as to whether James can be charged with any offence. Advise them.