



GCE A level

1253/02



S15-1253-02

LAW – LA3

UNIT 3: Understanding Substantive Law:

Freedom, the State and the Individual

OPTION 2: Criminal Law and Justice

A.M. MONDAY, 15 June 2015

1 hour 30 minutes

ADDITIONAL MATERIALS

In addition to this examination paper, you will need a WJEC 20 page answer booklet (pink), which has been specifically designed for this examination paper. No other style of answer booklet should be used. Should you run out of space, use a standard 4 page continuation booklet.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen. Do not use pencil or gel pen. Do not use correction fluid. Answer **two** questions.

INFORMATION FOR CANDIDATES

Each question carries 25 marks.

The number of marks is given in brackets at the end of each question or part-question.

Candidates are reminded of the need for good English and clear presentation. All questions should be answered in continuous prose. The quality of written communication will be assessed in all answers.

You are reminded of the importance of including knowledge from all areas of the course, where appropriate, including the Legal System of England and Wales.

Option 2: Criminal Law and Justice

Answer two questions.

1. Study the text below and answer the questions based on it.

Harry owed money to Arthur, a ruthless loan shark with a reputation for violence. Harry was unable to pay, and Arthur was threatening to have Harry beaten up. Harry decided that the only way out of his trouble was to kill Arthur. However, as he was driving along a quiet road, Harry saw a man who looked like Arthur walking along the road ahead of him. Harry seized his chance, stopped the car, and struck the man with a heavy torch. As the man collapsed, Harry realised to his dismay that his victim was not Arthur but Arthur's younger brother, James. Convinced that James was dead, Harry fled the scene leaving James lying in the roadway, where he was hit by another car driven by Karen. Karen immediately phoned the emergency services, and James was taken to hospital, where he was placed on life support. Tests appeared to show that James was brain dead, and as he was carrying an organ donor card, his heart was transplanted into another patient. It later transpired that the tests had not been properly carried out, and that there was a small chance that James might have recovered.

1 1 In the light of reported case law and other sources of law, consider whether Harry might be criminally liable for the death of James. [14]

1 2 Explain the process of appeal from the Crown Court. [11]

2. Study the text below and answer the questions based on it.

Andy was the manager of a call centre which sold financial products over the phone. His call staff were not very successful in persuading potential customers to buy their products, so Andy embarked on a training programme to make them tougher and more aggressive. Andy listened in while one of the callers, Daisy, struggled to persuade a potential customer, Clara, to buy insurance. After a few minutes Andy grew exasperated, and shouted into the phone: "We've got your number, and we know where you live, so pay us your money!" Clara was so terrified that she suffered a nervous illness which required psychiatric treatment. Meanwhile, Andy had decided that the entire call staff needed to be toughened up. He ordered them to assemble in the car park, where he had created a pit of hot, glowing coals, and told them that they must each walk across the hot coals in bare feet to demonstrate their toughness and commitment to the company. The oldest member of the call staff, 64 year old Jack, removed his footwear as instructed, but then refused to walk across the pit. Andy shouted at him, "Do it, or you're sacked!" Jack reluctantly complied, and suffered minor burns to his feet. Andy then ordered Daisy to walk across the coals. Daisy stood trembling on the edge of the pit. Andy pushed her from behind to make her start walking. Daisy ran a few steps and then tripped and fell onto the coals, suffering severe burns and permanent scarring to her face and body.

2 1 In the light of reported case law and other sources of law, consider whether Andy may have committed any offences against Clara, Jack and Daisy. [14]

2 2 Explain the role of the jury in a criminal trial. [11]

3. Study the text below and answer the questions based on it.

Detective Constable Fish was on duty in plain clothes when he noticed an untidy-looking young woman with dreadlocks walking rapidly along the street while talking animatedly into a top-of-the-range mobile phone. DC Fish tapped her on the shoulder and said, "Keep your voice down." The young woman replied, "Sorry, but I'm a doctor and I have to take this call". DC Fish thought this was so unlikely that he was instantly suspicious. He seized the phone and then subjected the young woman to a thorough search. In the woman's handbag he found a wallet full of cash and credit cards in the name of Dr Rosa Lee. He also found an identity tag, issued by the local hospital, bearing a photo which in DC Fish's opinion looked nothing like the young woman. Suspecting that the handbag and phone had been stolen, he arrested the young woman and took her to the police station, where she was immediately placed in a cell. Eight hours later, she was visited for the first time by the custody officer, who brought her some tea and sandwiches. The young woman asked the custody officer if she could contact the hospital where she worked. The custody officer told her that detainees were not allowed to contact anyone without permission from a senior police officer. No senior officers were available, so the young woman spent a total of 38 hours in custody after which she was charged with theft.

- 3|1 In the light of reported case law and other sources of law, consider the legality of the actions of the police. [14]
- 3|2 Explain the powers of the courts to grant bail. [11]

4. Study the text below and answer the questions based on it.

Sixteen year old Freya moved to a new school, where she became the victim of a group of bullies who picked on Freya because of her red hair. The group was led by Katie and her twin brother David, who nicknamed Freya "the ginger freak" and encouraged the other students to taunt her. Freya sought help from her teacher, but the only advice she received was that she must learn to stand up for herself. One afternoon as Freya was leaving the school to go home, she was surrounded by Katie and David and their friends. Freya was pushed to the ground and held down by David, who knelt on her chest to stop her from getting up. Katie began to cut off locks of Freya's hair, using a large pair of scissors borrowed from the Art Room. The group of students became more excited and began to chant: "Kill the ginger freak!" Katie handed the scissors to David, who held them above his head with the blades pointing downwards, as though he was preparing to stab Freya. For a moment, Freya genuinely believed that David was about to kill her. Using all her strength, she pushed David off her, and kicked him hard in the stomach. David collapsed with internal injuries, and died later that night.

- 4|1 In the light of reported case law and other sources of law, consider whether Freya might have any defence if she is charged with the murder of David. [14]
- 4|2 Explain how the Crown Prosecution Service decides whether or not someone should be prosecuted. [11]

END OF PAPER