



PAPER ONE - CRIME

REVISION BOOKLET



WOODKIRK ACADEMY

Question 1-5 – These will always be multiple choice questions. They can be about anything from this paper – ELS/theory/offences/defences. You should only spend one minute per question. (1 mark)

<p>Which one statement best defines direct intention by D as to a consequence? A D does not realise that the consequence may result from her conduct but a reasonable person would. B D realises that the consequence may result from her conduct. C D realises that the consequence will result from her conduct. D D wants the consequence to result from her conduct. [1 mark]</p>	<p>Which one of the following statements about the role of magistrates is false? A Magistrates deal with all summary offences. B Magistrates hear bail applications. C Magistrates sentence offenders up to a maximum of 3 years' imprisonment for a single offence. D Magistrates sometimes sit with a judge in the Crown Court and hear appeals. [1 mark]</p>
<p>Select the one statement that best defines the meaning of actual bodily harm in the offence under s47 Offences Against the Person Act 1861. A Cuts and bruises B More than merely trivial personal injury C Personal injury D Serious violence [1 mark]</p>	<p>Select the one correct statement about offences triable either way. A The accused can always insist on being tried in the Crown Court. B They include all the minor offences. C They include all the most serious offences. D They must be tried in a Magistrates' Court. [1 mark]</p>
<p>Select the one correct statement about strict liability offences. A D must be proved to have foreseen the risk of any necessary consequence. B D must be proved to have intended any necessary consequence. C If an act must be proved, it need not be a voluntary act. D It is not necessary to prove that D was negligent. [1 mark]</p>	<p>Select the one correct statement about the meaning of 'distinguishing' by a court. A A court does not agree with the law decided in an earlier precedent. B A court does not apply a precedent from an earlier case because significant facts were different. C A higher court overrules a precedent decided in an earlier case by a lower court. D An appeal court changes the result of a case on appeal. [1 mark]</p>
<p>Which is the one correct statement about the 'thin skull' ('take your victim as you find him/her') principle? A It does not apply to personal injury offences. B It may make it easier to prove causation. C It only applies if D knew about V's weakness ('thin skull'). D It only applies to strict liability offences. [1 mark]</p>	<p>Choose the one option which is not an internal aid to statutory interpretation. A Explanatory notes B Punctuation C Schedules to the act D The long or short title [1 mark]</p>
<p>Select the one correct statement about criminal liability. A All criminal offences can be committed with proof that D was reckless. B All criminal offences require proof that D committed an act. C In some cases, D will be guilty of an offence of causing injury to V, even though he intended injury only to X. D There is no criminal liability if mens rea was not present at the start of any actus reus. [1 mark]</p>	<p>D pleaded guilty to an offence of causing grievous bodily harm with intent to V under s18 Offences Against the Person Act 1861. Select the one statement which describes the factor that the judge would treat as least important when deciding on sentence. A D had previous convictions for personal injury offences. B D knew that V was widely suspected of child abuse. C D planned the attack. D D pleaded guilty. [1 mark]</p>

<p>Which one of the following statements best defines the rule of transferred malice?</p> <p>A The actus reus moves from the actual victim to the intended victim</p> <p>B The actus reus moves from the intended victim to the actual victim</p> <p>C The mens rea moves from the actual victim to the intended victim</p> <p>D The mens rea moves from the intended victim to the actual victim.</p> <p>[1 mark]</p>	<p>Select the one court to which the prosecution can appeal by way of case stated (on a point of law) from a Magistrates' Court trial.</p> <p>A The County Court</p> <p>B The Court of Appeal (Criminal Division)</p> <p>C The Crown Court</p> <p>D The Queen's Bench Divisional Court</p> <p>[1 mark]</p>
<p>Which one of the following statements about strict liability offences is true?</p> <p>A Whether an offence is one of strict liability is a matter of fact to be decided by a jury</p> <p>B Strict liability is only imposed where the offence is a regulatory offence</p> <p>C Strict liability offences are usually statutory offences</p> <p>D A strict liability offence will never carry a sentence of imprisonment</p> <p>[1 mark]</p>	<p>Yvette is unemployed and is charged with grievous bodily harm with intent contrary to s18 Offences Against the Persons Act 1861. What would be the best course of action for Yvette to fight her case?</p> <p>A Apply to the court for a representation order</p> <p>B Negotiate a conditional fee agreement</p> <p>C Represent herself in court</p> <p>D Use her benefits and savings to employ a lawyer</p> <p>[1 mark]</p>
<p>Which one of the following statements best defines the actus reus of s47 Offences Against the Person Act 1861?</p> <p>A Assault causing some harm</p> <p>B Assault or battery causing some harm</p> <p>C Battery causing some harm</p> <p>D Causing some harm</p> <p>[1 mark]</p>	<p>Select the most senior court in the hierarchy in terms of judicial precedent.</p> <p>A The Court of Appeal</p> <p>B The European Court of Human Rights</p> <p>C The High Court</p> <p>D The Supreme Court</p> <p>[1 mark]</p>
<p>Dave is sitting on a bench when he points a gun at Nick who is coming towards him. Dave puts the gun away when he realises that Nick is blind. What offence has Dave committed?</p> <p>A Assault</p> <p>B Assault and battery</p> <p>C Battery</p> <p>D None of the above</p> <p>[1 mark]</p>	<p>Select the one type of lawyer who is not authorised to represent a client in a Crown Court trial.</p> <p>A A barrister</p> <p>B A legal executive</p> <p>C A Queen's Counsel</p> <p>D A solicitor with higher competencies</p> <p>[1 mark]</p>
<p>Which one of the following statements about causation is false?</p> <p>A Causation requires proof of causation in fact</p> <p>B D can cause a consequence only by doing an act</p> <p>C Causation requires proof of causation in law</p> <p>D Two or more persons can be held to cause the same consequence</p> <p>[1 mark]</p>	<p>Select the one correct statement about lay magistrates.</p> <p>A Lay magistrates decide on a defendant's guilt or innocence</p> <p>B Lay magistrates sentence all defendants found guilty of triable either way offences</p> <p>C Lay magistrates must sit in court at least once each week</p> <p>D Lay magistrates never appear in the Crown Court</p> <p>[1 mark]</p>

<p>Which one of the following statements accurately describes the mens rea of s20 Offences Against the Person Act 1861 (unlawful and malicious wounding or inflicting grievous bodily harm)?</p> <p>A Intention or recklessness as to causing fear of immediate personal violence</p> <p>B Intention or recklessness as to causing serious injury</p> <p>C Intention or recklessness as to causing some injury recklessness as to whether</p> <p>D Intention or recklessness as to causing a wound</p> <p>[1 mark]</p>	<p>Which one of the following statements about the doctrine of precedent is false?</p> <p>A A lower court is entitled to distinguish its case on the facts and so avoid applying a decision of the Supreme Court</p> <p>B Decisions on points of law made by the Court of Appeal bind lower courts</p> <p>C Obiter dicta statements are binding on all courts when made by the Supreme Court</p> <p>D The ratio decidendi is the binding element in a decision on a point of law</p> <p>[1 mark]</p>
<p>Select the one correct statement about the burden of proof and the standard of proof in civil and criminal trials.</p> <p>A The burden of proof in a civil trial is usually on the claimant</p> <p>B The burden of proof in a criminal trial is usually on the accused</p> <p>C The standard of proof in a civil trial is 'beyond reasonable doubt'</p> <p>D The standard of proof in a criminal trial is 'balance of probabilities'</p> <p>[1 mark]</p>	<p>Which one of the following statements concerning causation is false?</p> <p>A Causation is established by proof of causation in fact or by proof of causation in law</p> <p>B D's conduct is a cause in fact of a consequence if the consequence would not have happened but for the conduct</p> <p>C D's conduct is a cause in law of a consequence if the conduct makes a significant contribution to the consequence</p> <p>D The conduct of a third person can intervene to break the chain of causation between D's conduct and the consequence</p> <p>[1 mark]</p>
<p>Select the one false statement regarding mens rea.</p> <p>A D's purpose to cause a consequence is direct intention</p> <p>B D's failure to foresee a consequence of her conduct is recklessness means acting negligently recklessness</p> <p>C D's foresight of the certainty of a consequence of his conduct without a purpose to cause it is oblique (indirect) intention</p> <p>D Motive is different from intention</p> <p>[1 mark]</p>	<p>Which one of the following statements concerning summary offences is true?</p> <p>A The accused can choose to be tried in the Crown Court for a summary offence</p> <p>B Summary offences are tried in the Crown Court</p> <p>C Summary offences are tried in the Magistrates' Court</p> <p>D The magistrates can send a summary offence for trial in the Crown Court</p> <p>[1 mark]</p>
<p>Select the one false statement concerning offences of strict liability.</p> <p>A They are rarely common law offences</p> <p>B They are rarely regulatory offences</p> <p>C They deal with issues of social concern</p> <p>D They help to enforce the law by encouraging greater care to be taken</p> <p>[1 mark]</p>	<p>One of the aims of sentencing an offender is retribution. Select the one statement which accurately describes retribution.</p> <p>A Help to the offender to change behaviour and obey the law</p> <p>B Payment to the victim to compensate for injuries</p> <p>C Punishment proportionate to the crime</p> <p>D Punishment to protect the public</p> <p>[1 mark]</p>
<p>Which one of the following statements concerning actus reus of an offence is true?</p> <p>A An actus reus cannot include a state of affairs</p> <p>B An actus reus does not require proof of voluntary conduct</p> <p>C Personal injury offences require proof of a consequence as part of the actus reus</p> <p>D There can be no actus reus without an act</p> <p>[1 mark]</p>	<p>Which one of the following would a judge consider least significant when using the mischief rule?</p> <p>A The change that Parliament intended to bring about when it enacted the statute</p> <p>B The dictionary definition of words in the statute</p> <p>C The problem that the statute tried to address</p> <p>D The state of the law before the statute in question was enacted</p> <p>[1 mark]</p>

Question 6 – This will only ever be about an ELS topic. It will never be about an offence or defence. You will be asked to explain two things and then one more specific thing. (5 marks)

Explain two methods of statutory interpretation. Use one case to demonstrate either of these methods.	
Explain two aids to interpretation. Use one example to demonstrate how aids can be beneficial to statutory interpretation.	
Explain two methods of avoiding judicial precedent. Use an example from criminal or civil law to demonstrate one of these methods.	
Explain two elements of the principle stare decisis. Explain why judicial precedent is important.	
Explain two roles of lay people in the criminal court system. Use an example to show how lay people can be detrimental to the criminal court system.	
Explain two roles of solicitors in criminal trials. Explain one difference between the role of solicitors and barristers.	
Explain two roles of judges in criminal trials. Explain why judges are not usually used in the trials of summary offences.	
Explain two reasons why funding is available in some criminal trials. Explain one element of the test for legal funding.	

Question 7 – This will be a short scenario where you must prove why the offence/defence would NOT succeed. You only have 5 minutes to write this, so you must be highly focused on the reason why it would fail rather than spending time writing about the elements which would succeed. (5 marks)

John pushed Gordon roughly. Gordon staggered into Pia, who fell off the kerb into the road. John quickly turned around and walked away laughing. As Pia fell, a speeding motorbike came around the corner and collided with Pia, sending her up into the air, landing on her head. The ambulance took a long time to arrive and Pia died on the way to the hospital.

Suggest why, in law, John probably would not be guilty of the unlawful act manslaughter of Pia. (5 marks)

Dave was a member of a criminal gang led by Errol, a violent man. Dave owed Errol a large sum of money. Dave had a teenage son, Fred. Dave's father, George, gave Dave £10 000 'for Fred's education'. Errol later threatened Dave to 'get me my money quick or Fred will suffer'. Errol also told Dave that he would be 'closely following' Dave. Dave had first planned to use the £10 000 for Fred, but he handed it over to Errol the day following Errol's threat.

Suggest why, in law, Dave probably would not be able to use the defence of duress by threats in relation to the theft of the £10,000. (5 marks)

Anna had recently made contact with Ben, whom she had given up for adoption at birth. When they first met at Anna's house, she told him that he could come to her house at any time. Ben wanted revenge on Anna for having 'abandoned' him. He lied to her that he had been robbed of all his savings, and Anna gave him £10 000.

Suggest why, in law, Ben might not be guilty of the theft of the £10,000 from Anna. (5 marks)

Question 8 – This will be a short scenario, where the offence or defence you must prove/disprove is stated in the question. (10 marks)

<p>Carly was 25 years old and had previous convictions for offences of violence. She went into a supermarket and hid a packet of food in her coat but realised that Doug, an old man, had seen her do so. Furious, she kicked his walking stick out of his hand causing Doug to stumble against the shelves. Doug was very shaken by the incident and was treated for depression.</p>	<p>Advise Carly as to her liability for an offence of assault occasioning actual bodily harm under the Offences Against the Person Act 1861 s47 against Doug.</p>

<p>Ethan envied Greg's wealth and social life and wanted to do something to express his anger and frustration. He hid outside Greg's house one night until Greg came out. Ethan then knocked Greg to the ground and stamped on his head several times. As a result, Greg suffered a brain injury.</p>	<p>Advise Ethan as to his liability for an offence of causing grievous bodily harm under the Offences Against the Person Act 1861 s18 against Greg.</p>

When Steve was carried into an ambulance after a particularly violent attack, he thought one of the paramedics, Ted, was part of the gang and was continuing to attack him. Still dazed and fearing more violence, he pushed Ted who fell out of the ambulance and suffered a sprained ankle.

Advise Steve on whether he could avoid criminal liability for the injury to Ted by pleading self-defence.

Mike had been finding it hard to cope since the death of his Father and had feelings that he was being followed and his life was in danger. Walking on the upper level of a shopping centre one day, he noticed Pete, a man who lived in the neighbourhood. Mike assumed that Pete was following him and ran at him, pushing him over the balcony. Pete died instantly when his head hit the ground.

Advise Mike on whether he can reduce his murder conviction to voluntary manslaughter by using the defence of diminished responsibility.

Question 9 – This will be an essay question, where you describe an element of theory (usually justice or fault) and then link the theory to an area of law which is specified in the question. (10 marks theory + 5 marks application)

In the offence of gross negligence manslaughter, the mens rea element has been poorly defined. Examine the meaning of justice and discuss the extent to which the mens rea of gross negligence manslaughter fails to achieve justice.

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In the offence of unlawful act manslaughter, there are special rules which apply where the unlawful act is assault. Examine whether fault is an essential element of English Law and discuss the extent to which the special rules on assault require proof of fault.

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Question 10 – This will be a long scenario. There will usually be three topics (offences/defences) to either prove or disprove. You are essentially writing three of my model answers – each should only take 10 minutes, so you’ll need to be concise. You cannot include every theory principle I taught you, be selective and relevant. (30 marks)

Having drunk a large amount of vodka and taken some drugs, Rob and other members of his gang were out late at night when they saw Vincent, a member of a rival gang. With Rob in the lead, shouting about killing Vincent, they began to chase him. After about two minutes, Vincent suddenly collapsed and fell to the ground. Rob reached him first and was about to kick him, but then said to the others, “Leave it. He looks bad. Better let someone else take care of it.” They then all ran off. Vincent was an asthmatic and the stress of the chase had triggered an intense asthma attack from which he died. Prompt medical attention might well have saved his life.

Discuss the possible liability of Rob for the involuntary manslaughter of Vincent. (30 marks)

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Returning from visiting his friend Ben in hospital one evening, Adrian found himself walking past Charles and Dora, who were both aged 80. By now, Adrian was tired and was feeling annoyed about the day's events. He kicked away the walking stick being used by Charles. Charles fell and suffered a deep cut to his forehead which bled a lot. Seeing this, Dora became very frightened, and had to receive treatment for anxiety and depression for months afterwards. Emma had witnessed the incident from a distance and she ran over to stop Adrian causing any further harm. However, George, another witness to the incident, had also gone to assist Charles and Dora. Emma mistook George for Adrian. She immediately slapped George twice, very hard, causing his face to sting.

Discuss the possible criminal liability of Adrian arising out of his conduct in relation to Charles and to Dora. Discuss the possible criminal liability of Emma for her conduct in relation to George.

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Question 11 – This will be a long scenario. There will usually be two substantive topics (offences/defences) to either prove or disprove. This is worth 23 marks. There will also be an evaluative element related to the scenario. This is worth 7 marks. (23 marks scenario + 7 marks theory)

Gwen engaged Ben, an electrician, to repair the electrical wiring in the downstairs living room of her house. Ben owed £1000 to Reggie, a violent man. Reggie knew that Ben was working at Gwen’s house. Reggie told Ben that there would be “big trouble” for him and his family unless he stole money from Gwen in order to reduce the debt. The following day, while Ben was working in Gwen’s living room, she left the house to go shopping. Ben immediately remembered Reggie’s threat and went upstairs to see whether there was anything worth stealing. While searching Gwen’s bedroom, he found, and decided to keep, £50 and a black rubbish bag containing some old, but expensive looking, clothes which Gwen had decided to throw out. When Gwen suddenly returned and confronted Ben in the bedroom, he pushed her over as he ran out with the money and the rubbish bag. Gwen fell heavily against a wardrobe and broke her arm.

Consider Ben’s criminal liability for property offences arising out of his activities in Gwen’s house. Assess the extent to which the rules on dishonesty are based on fault. (30 marks)

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Beck and his gang believed that Aakil had 'disrespected' them. Just as Aakil entered a cinema, Beck sent him a text message which read, "We'll get you when you come out". Beck and his gang had no intention of going to the cinema but Aakil worried about the message for 20 minutes, and then ran out of the cinema and down the street. As he did so, he noticed Chas running behind him. Unknown to Aakil, Chas was a totally innocent stranger running to catch a bus. Aakil suddenly turned and struck Chas a powerful blow on the jaw, knocking him unconscious. Chas suffered bruising and hearing loss in one ear.

Consider the criminal liability of Beck arising out of the text message sent to Aakil and the criminal liability of Aakil for the injuries inflicted on Chas.

Assess the extent to which the non-fatal offences achieve the principle of fair labelling. (30 marks)

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