



SIR ARTHUR LEWIS COMMUNITY COLLEGE
ACADEMIC YEAR (2024/2025) – SEMESTER ONE
END OF SEMESTER EXAMINATION

COURSE CODE : CRM 208
COURSE TITLE : Criminal Law (Final)
LECTURER(S) : Dr. Leonard Johnny
DATE : **December 11, 2024**
TIME : **9 am**
DURATION : 2 hours
STUDENT ID # : _____

GENERAL INFORMATION AND INSTRUCTIONS

- Students must sign **IN** and **OUT** on the examination class list.
- Write your ID number on the question paper.
- Circle the correct answer on the question paper.

INSTRUCTIONS

This paper is worth 60 marks and comprises Two (2) sections.

Section One: 30 multiple choice questions - (45 marks)

Section two: 5 question to answer all 5 - (15 marks)

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Section One

This section contains 30 multiple choice questions. Each question worth 1.5 marks.

Answer the question by selecting the best answer from the choices given

1. What is automatism?

- A. Where a person acts without the necessary actus reus
- B. Where a person's mind is acting imperfectly and is still able to control his limbs in a purposive way
- C. Where a person acts in a state of complete awareness
- D. Where a person acts in a state of unconsciousness or impaired consciousness

2. An appeal case which is held in the High Court comes from _____.

- A. The High Court
- B. The Magistrates' court
- C. The Court of Appeal
- D. The Prizy Council

3. The prosecution must prove a criminal offence

- A. By clear and convincing evidence
- B. Beyond all doubt
- C. By a majority of the evidence
- D. Beyond reasonable doubt

4. Which of the following circumstances does not amount to involuntary intoxication?

- A. The accused is drugged by others or his drink is laced with alcohol
- B. The accused takes drugs which have been medically prescribed for him in accordance with the instructions
- C. The accused, without being reckless, takes a non-dangerous drug which was not prescribed for him
- D. The accused drinks more than he normally would to "drown his sorrows" and when drunk commits an offence which he would never have contemplated committing when sober

5. What is the defense of necessity?

- A. A situation where a person commits an offence to avoid a greater evil to himself or another which resulted from the dangers arising from the circumstances that he or the other were placed
- B. A situation where a person is put under pressure to commit an offence otherwise they will suffer some harm
- C. A situation where a person refuses to commit an offence which it is deemed necessary that they commit
- D. A situation where a person commits an offence which a 'reasonable man' would think is necessary

6. What is the name of the defense which an accused may seek to plead where his claim is that he acted as he did to protect himself or his property?

- A. Public defense
- B. Necessity
- C. Private defense
- D. Defense of another

7. Self-defense requires that the force used must be _____.

- A. Necessary and reasonable
- B. Forthcoming and rational
- C. Foreseeable and necessary
- D. Imminent and reasonable

8. All the parties to crime are referred to as _____.

- A. Accomplices
- B. Principals
- C. Aiders
- D. Abettors

9. If an accused is charged as an accessory to a crime, he would not be charged with which of the following?

- A. Aiding or abetting
- B. Counselling
- C. Obtaining
- D. Procuring

10. 'Abetting' does not suggest the activity of one who _____ the principal to commit the offence?

- A. Incites
- B. Disfavours
- C. Instigates
- D. Encourages

11. What is the basic purpose of a trial?

- A. To investigate and thereby ascertain the 'absolute' truth of past events inquired into.
- B. To hold the prosecution, as part of the executive arm of government, to account in its quest to enforce the criminal law.
- C. To establish that a version of what occurred has an acceptable probability of being correct.
- D. To establish, more or less, the objective truth of what occurred and to a particular standard of proof.

12. Where the principal offence is one of strict liability, an accessory may be convicted _____.

- A. Without the proof of the mens rea
- B. Without the proof of the actus reus
- C. Only where the mens rea is proved
- D. Only if the principal was convicted

13. What is the actus reus of “intentionally encouraging or assisting an offence”?
- A. The offence is committed when the defendant does an act which is capable of encouraging or assisting the commission of an offence
 - B. The offence is committed when the principal acts in response to the defendant’s encouragement or help.
 - C. The defendant believes that the principal will carry out the act that he has encouraged or assisted on
 - D. The offence is committed when the principal becomes aware of the encouragement or assistance by the defendant

14. Crimes against public order are used to achieve one of the following.
- A. To prevent individuals from engaging in conduct which is deemed dangerous to the public
 - B. To ensure that the roads are safe for drivers, commuters and other road users
 - C. To prevent persons from losing property from their homes
 - D. To ensure that individuals engage in conduct which is deemed dangerous to the public

15. What is the test to be applied when the Court of Appeal is considering an appeal against conviction?
- A. Whether the conviction is unfair
 - B. Whether the conviction is wrong
 - C. Whether the conviction is unsafe
 - D. Whether the conviction is unsatisfactory

16. Which of the following parties may be convicted of a conspiracy to commit an offence where they are the only parties to the agreement?
- A. Rhys, aged 9 and his father, Mick
 - B. Hannah and Rose, a married couple
 - C. Laura and Ryan, a married couple
 - D. Sarah and Thomas, who are engaged to be married

17. Which of the following statements is true about the magistrates' court?
- A. A magistrate has no jurisdiction over matters which occurs in the district in which he seats
 - B. A magistrates' court is a court where the tribunal consists of either a judge or a magistrate
 - C. All criminal proceedings, whether summary or indictable, begin in the magistrates' court
 - D. The Magistrates' court does not hear preliminary inquiries in indictable matters before those matters are sent to the High Court for trial

18. What is the actus reus of attempt?
- A. Doing an act which is more than merely preparatory to the commission of the offence the accused intends to commit
 - B. Planning the commission of the offence the accused intends to commit.
 - C. Selecting an offence from a range of potential offences the accused is considering committing
 - D. Doing an act which is merely preparatory to the commission of the offence the accused intends to commit

19. Which of the following implies 'intent'?
- A. Actus reus
 - B. Strict liability
 - C. Mens rea
 - D. Defence

20. Which of the following cannot be the victim of homicide?
- A. A 9 year old boy
 - B. A dead baby in the womb
 - C. A person who is dying
 - D. A person who is in prison

21. Murder is unlawful homicide committed with _____.
- A. Premeditation
 - B. Hatred
 - C. Malice aforethought
 - D. Ill-will
22. Which one of the following is diminished responsibility a defence to?
- A. Wounding or causing GBH
 - B. Attempted murder
 - C. Manslaughter
 - D. Murder
23. Which of the following statements about the defence of loss of self-control is incorrect?
- A. Loss of self-control is a defence which if successfully pleaded reduces D's offence from murder to manslaughter.
 - B. Loss of self-control may arise where D feared serious violence from V
 - C. The burden of proof is on D to show that he acted under a loss of self-control
 - D. Where D relies on things done or said by another as the explanation for his loss of self-control, his plea will not succeed unless those things done or said objectively amount to circumstances of an extremely grave character causing him to have a justifiable sense of being seriously wronged.
24. Which of the following statements relating to the unlawful act of manslaughter is correct?
- A. It is not enough that the unlawful act creates a risk of harm to someone; there is also a need for the unlawful act to be directed at the person who ultimately dies as a result of it.
 - B. The unlawful act needs to create a risk of harm, and the defendant needs to have foreseen the risk of such harm
 - C. It is enough that the unlawful act creates a risk of harm to someone and there is no need for the unlawful act to be directed at the person who ultimately dies as a result of it.
 - D. The defendant doesn't have to carry out an act which is 'unlawful' - it is enough that the act is dangerous'.

25. Which of the following is not an element of the offence of gross negligence manslaughter?
- A. Intentionally or recklessly doing an unlawful act
 - B. Duty of care owed by the defendant to the deceased.
 - C. Breach of the duty of care resulting in V's death
 - D. The breach of duty being grossly negligent.
26. What is direct intention?
- A. Where the consequence was what the defendant was aiming at.
 - B. Where the consequence was not what the defendant was aiming at, but occurred anyway.
 - C. Where the defendant had no intention to create a certain consequence.
 - D. Where the defendant didn't know what he was aiming at.
27. Which of these statements is true about a deposition?
- A. A deposition taken in committal proceedings in respect of one charge can be used in a trial of another charge
 - B. A deposition is a written statement taken from a witness by the police
 - C. A deposition will be accepted in the High Court whether it is signed by the person making it or not.
 - D. A deposition is a statement taken from the defendant by the courts.
28. Which of these statements about the court is false?
- A. The court must ensure that every defendant understands what it is alleged that he has done
 - B. The defense in the indictable case is not called upon to plea in the High Court
 - C. The defendant must be capable of understanding the nature and effect of his plea at the time of his trial
 - D. If the defendant plea is ambiguous, (e.g. guilty with explanation) the court must enter a plea of "not guilty on his behalf."

29. What is the mens rea of wounding or causing grievous bodily harm with intent?
- A. The defendant must 'maliciously' wound or cause grievous bodily harm and he must do so with an ulterior intent either to cause grievous bodily harm or to resist or prevent the lawful apprehension or detainer of any person.
 - B. The defendant must wound or inflict grievous bodily harm 'maliciously'
 - C. The defendant must wound or cause grievous bodily harm and he must do so being reckless whether he causes grievous bodily harm or prevents the lawful apprehension or detainer of any person
 - D. The defendant must intentionally wound or cause grievous bodily harm.
30. Which of the following statements about the actus reus of rape is incorrect?
- A. It must be proved that A penetrated B's vagina, anus or mouth with his penis
 - B. It must be proved that B ejaculated
 - C. It must be proved that B did not consent
 - D. B may be male or female or transsexual

SECTION TWO – STRUCTURED QUESTIONS

This section contains 5 questions. Answer all 5 questions. Each question worth 3 marks

1. **Case:** Cliff Hangar is arrested and taken to jail. He refuses to participate in the booking process, demanding that the police let him phone for a lawyer.

Do the police have to allow Cliff to call a lawyer? (3 marks)

2. **Case:** Larry committed burglary and then immediately afterwards moves to another state. He returned a few months later and the police arrested him for burglary. The country has a three-year statute of limitations on burglary.

Will the state's three-year statute of limitations prevent the prosecution of Larry for burglary? (3 marks)

3. **Case:** Bea Sotted is arrested for drunk driving. Bea faces two charges: violating a per se rule (driving with a blood alcohol level over the state's legal limit, regardless of whether driving is affected), and driving under the influence.

If Bea Sotted is convicted of both crimes, can the judge hand down two separate sentences? (3 marks)

4. **Case:** Eddie gets a slingshot for his 25th birthday. He is so excited that he runs into the street, picks up a small rock and without aiming shoots the rock as far as he can. The rock hits and severely injures Marsha as she crosses the street about 40 yards away. The street tends to be a busy one, and Eddie has lived on the street for 15 years.

Does Eddie's conduct demonstrate mens rea? (3 marks)

5. **Case:** Vecee Athill is charged with stealing a video recorder. The prosecutor offers evidence that Athill took a video recorder from an electronics shop without paying for it and tried to pawn it the next day.

Is this evidence adequate to prove Athill's specific intent to steal the video recorder? (3 marks)

END OF EXAM