

THE HONORABLE SOCIETY OF KING'S INNS  
DEGREE OF  
BARRISTER-AT-LAW

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ENTRANCE EXAMINATION

# Criminal Law

## August 2023

DATE | **Thursday, 10 August 2023**

TIME | 3 hours

EXAMINER | Professor Tom O'Malley (UCG)

EXTERNAL EXAMINER | The Hon Mr Justice Mícheál P O'Higgins

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### Instructions

A candidate must answer **Question 1** (50% of marks) and **TWO** other questions (each 25% of marks).

This paper is 4 pages long including the cover sheet.

# CRIMINAL LAW

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## Q1 | COMPULSORY QUESTION

50 MARKS

In July 2023, William, who was then 15 years of age, discovered that his girlfriend, Anna, had cheated on him with one of his friends. Although he was very angry when he found out about Anna's infidelity, he did not confront her directly about it. Instead, he invited her around to his house for dinner, an invitation she gladly accepted because William was a remarkably good cook. When she arrived at the house, he had made a chicken pasta dish which seemed very appetising and which they both began to eat. What William did not tell Anna is that he had also included some shellfish in the dish. He knew that she was seriously allergic to shellfish and that she would become ill if she ate it. His plan was that, when she became ill after eating the shellfish, he would say to her: "that's what you get for cheating." Anna did indeed become ill but, sadly, she also suffered an anaphylactic shock (which can result from eating something to which one is allergic). She collapsed on the kitchen floor. William did not know what to do. He rang his mother who was visiting a neighbour. She returned to the house immediately and summoned an ambulance which brought Anna to a hospital. However, Anna was declared dead on arrival at the hospital.

The Director of Public Prosecutions has now sought your advice as to the appropriate charge(s) that may be brought against William. Advise the Director, giving reasons for your advice.

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## Q 2

25 MARKS

On 1 September 2022, John, who had a history of mental illness, suddenly attacked his father with an iron bar. As he was inflicting the blows, he kept saying: "I am sorry, I cannot help this. The devil is making me do it." Although seriously injured, his father survived the attack, and John has now been charged with attempted murder. There is agreed psychiatric evidence to the effect that at the time of the attack, John was suffering from a mental disorder but that he knew what he was doing and that it was wrong. His defence lawyers have sought your advice as to whether, in light of this psychiatric evidence, John has any realistic prospect of being acquitted on the basis that he was insane at the time of the attack. Advise the defence lawyers on this issue.

## CRIMINAL LAW

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Q 3

25 MARKS

Peter has been charged with having controlled drugs for sale or supply. The prosecution case is that on the evening 24 July 2023 Peter was caught boarding a bus outside a Dublin railway station while carrying a bag which contained €75,000 worth of cocaine. Peter, for his part, claims he owed a large debt to a major drug dealer, Mark, who ordered him to meet another person who was travelling on the train from Cork to Dublin, to collect a bag of drugs from him and to bring the bag to an address in Dublin. Peter had told Mark that he did not wish to do this, but Mark threatened him that if he did not, his (Peter's) teenage daughter, who had an intellectual disability, would be kidnapped and tortured. This conversation between Peter and Mark took place on the morning of 24 July 2023. Peter, who is the sole carer of his daughter and deeply attached to her, claims that, in these circumstances, he had no option but to collect the bag of drugs as ordered by Mark. Advise Peter as to whether, in these circumstances, he can rely on the defence of duress.

## CRIMINAL LAW

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Q 4

25 MARKS

In April 2023, David, who was then 18 years of age, was invited to a party where he met Jessica and struck up a conversation with her. She told him that she was 17 years of age, although in fact she was only 15½ years. They agreed to meet again a few days later, as they did. On that occasion, however, they went to a secluded location where they had sexual intercourse. It is accepted that Jessica consented to that act of intercourse. They met again a week later, and David asked her if she was willing to have sexual intercourse. She replied that she was, provided he wore a condom. He said that he was willing to do so, and he put on a condom. However, just before having intercourse with Jessica, and unknown to her, David removed the condom and proceeded to have intercourse with her. Two months later, Jessica discovered that she was pregnant and at that point she told her parents about the two occasions on which she had intercourse with David. Her parents reported the matter to the Gardaí who have forwarded a file to the Director of Public Prosecutions. The Director has now sought your advice as to the charges, if any, that may be brought against David. Advise the Director on the basis of the facts as set out above.

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Q 5

25 MARKS

Lucy, who is a drug addict and who was desperately in need of money to buy drugs, was walking along a Dublin street. As she was passing by a café, she noticed that there did not seem to be anyone behind the counter. She ran into the café, went behind the counter where the till drawer happened to be open. She grabbed some cash from it (amounting to about €50 in all) and was about to escape when the owner, Simon, emerged from the kitchen and ordered her to give back the money. Lucy took up a knife, which happened to be on the counter, stabbed Simon on the wrist with it, and ran off with the money. Simon's wrist was bleeding profusely as the knife had severed an artery. He had to be brought to hospital for the wound to be attended to, but he was released later that evening. He made a full recovery. Meanwhile, as Lucy was running down the street from the café, she noticed a woman's handbag on the back seat of a car. She tried to prise open the door of the car with the knife (which she had taken from the café), but she did not succeed. The Gardaí shortly arrived on the scene and arrested her a short time later. On the basis of these facts, advise the Director of Public Prosecutions as to the charges that may be brought against Lucy.