

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

ENTRANCE EXAMINATION

CRIMINAL LAW

2024

DATE: 9 August 2024

TIME: 3 hours

EXAMINER Mr Tom O'Malley SC

EXTERNAL EXAMINER | The Hon Mr Justice Micheál O'Higgins

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

Q1 | COMPULSORY QUESTION

50 MARKS

In June 2024, a group of climate protestors were staging a protest on a bridge over a busy motorway. At one point, while the traffic on the motorway was at a standstill, one of the protestors, John, pushed a heavy rock down on top of a car which was stationary directly beneath the bridge on which John was standing at the time. The rock crashed through the roof of the car and down on top of the driver, Michael, who was immediately knocked unconscious. He suffered severe head injuries and, although doctors were able to save his life, the irreparable brain damage resulting from those injuries will leave him severely disabled for the rest of his life. When questioned by the Gardaí, John stated that all he wished to do was to damage the car and that he had given no thought to the possibility any person would be injured by his action. The Director of Public Prosecutions has sought your advice as to appropriate charges to bring against John in respect of this incident and, in particular, if she should bring a charge of attempted murder. Advise the Director.

CRIMINAL LAW

Q2

25 MARKS

Paul and Susan had been neighbours and friends for several years, though they had never been in any kind of romantic relationship. One evening in March 2024, by which time Paul was 18 years and Susan was 16 years, he invited her to his house while his parents were away. As she was about to go home, he asked her to have sexual intercourse with him. She said that she did not want to. However, he told her that he was aware that she had been selling drugs to some of her friends and that, if she did not have sexual intercourse with him, he would disclose this to other people, including her parents and the Gardaí. She was greatly alarmed at hearing this because she had, in fact, been selling small quantities of cannabis to friends (and this was a criminal offence), but she also wished to go to live in the United States as soon as she left school. As Paul reminded her there and then, she would have no hope of being admitted to the United States if she had a conviction for drug dealing. She therefore reluctantly agreed to have sexual intercourse with Paul after he promised her that, if she did so, he would tell nobody about her involvement with drugs. Some months later, when it transpired that she was pregnant, she informed her parents of what had happened between Paul and herself, and they reported the matter to the Gardaí. You are now asked to advise the Director of Public Prosecutions as to the charges, if any, that may be brought against Paul in these circumstances.

CRIMINAL LAW

Q3

25 MARKS

Amanda was addicted to heroin, and she owed a considerable amount of money to James who supplied her with the drug. On 5.00 p.m. on the evening of 23 April 2024, James contacted her and said that he was ordering her to go to a lock-up premises owned by a rival drug dealer and set fire to it. James further said that he would meet her at a specified location at 10.00 p.m. that evening when he would supply her with petrol bombs to throw through the window of the premises in question. She was to carry out the attack in the early hours of the following morning. Amanda told James quite categorically that she would not do what he was ordering. However, he responded by telling her that, unless she obeyed his order, he would have her kidnapped and held hostage for two or three weeks. Amanda was greatly alarmed at hearing this as she was the sole carer of her two young children and, in her absence, there would be nobody to look after them. She also knew that she had to take James's threat seriously because he had previously kidnapped people who had refused to obey his orders. Amanda therefore reluctantly agreed to his demand and carried out the petrol bomb attack as directed. However, she was arrested as she was leaving the scene and has now been charged with arson. You are asked to advise Amanda as to whether she may have a defence of duress available to her in these circumstances.

CRIMINAL LAW

Q4

25 MARKS

One evening in May 2024, Peter, who was then 15 years of age, was walking along a suburban road close to his home. As he was walking past a group of three boys of about his own age who were sitting on the wall, one of them, Charles, made a homophobic remark to him. Peter, who is openly gay, responded by demanding that Charles withdraw the remark. However, instead of doing so, Charles continued to verbally abuse Peter, calling him various insulting names, all of which were homophobic in nature. Peter became so angry that he took from his pocket a knife he was carrying and stabbed Charles in the chest with it. Charles collapsed and later died as a result of the stab wound. Peter has now been charged with murder and you are asked to advise as to any defence(s) that may be available to him in these circumstances.

CRIMINAL LAW

Q5

25 MARKS

One day in June 2024, Mary went into a service station, produced a knife and ordered the person who was serving behind the counter to hand over the contents of the till. She threatened him that unless he did so, she would stab him. He gave her all the money that was in the till and she left with it. Because the incident was captured on CCTV, she was soon identified and arrested. It is accepted that her action on that day was entirely out of character. She is a 60-year-old woman of previously unblemished character who held down a steady job until her retirement shortly before this incident occurred. She is financially secure and would not have needed the money that she took from the service station. There is medical evidence, however, that she suffers from severe depression for which she has been on medication for a number of years. She had stopped taking the medication about a week before the incident in the service station. This, according to a psychiatrist's report drawn up on her behalf, could have led her to act impulsively and irrationally. You are asked to advise the Director of Public Prosecutions as to the most appropriate charge to bring against Mary as a result of her action in the service station and as to any defence which may be available to her.