

## Examination Questions and Answers

### Question 1

Anne had suffered a series of burglaries at her house and decided to catch the intruder red-handed. One night she armed herself with a stick and lay in wait. She fell sleep for a while but awoke to see a figure trying to climb through a window into the house. In fact the intruder was Rick, an admirer of Anne's daughter, Fiona, making a secret nocturnal visit. The window was far too small for him to fit through and his head and right arm became trapped whilst he was still standing on the pavement. However, he saw a watch on the window sill which he put into his jacket pocket. Unfortunately in his pocket was a hole and the watch slipped right through onto the pavement where it broke. Anne rushed up to Rick and hit him, breaking his arm. Anne's husband, Bill, came to investigate the noise. Bill was strict and violent. He punched Anne in the face and threatened to break her neck unless Anne gave Rick a thorough thrashing. Anne continued hitting Rick with the stick. His left eye was damaged and he never regained the full use of it.

Discuss the liability of Anne, Bill and Rick.

*Anne:*

- *R's broken arm: s20 OAPA 1861*
- *R's damaged eye: s18 OAPA 1861*

*Defences: mistaken self-defence & duress from B.*

*Bill:*

- *Punch to A's face: Assault/battery/ABH*
- *Verbal assault*

*Rick:*

- *Burglary: s9(1)(b) – theft*
- *Reckless criminal damage.*

## Question 2

Diane agreed to keep an eye on Viv's house whilst Viv was away, limited to collecting the mail and making sure the house was secure. Viv gave Diane a set of house keys. On the day of Viv's departure, Diane let herself into the house, borrowed Viv's digital camera and used it for a couple of days before replacing it, having downloaded some photographs onto her own computer. On another occasion, she took a bottle of wine from the cellar and drank half of it. Just as she was replacing the bottle she heard Viv return. The bottle slipped from her hand and smashed on the floor. Viv chased Diane from the house, grabbing her bag as she did so. She took £50 from Diane's purse and then threw both purse and bag over Diane's fence into her garden. Discuss.

*Diane:*

- *Camera: s9(1)(a) burglary if she entered with intent to steal. Otherwise, s9(1)(b) provided she has actually stolen. She only intended to borrow the camera so no theft of that but has she deprived V of the camera batteries and memory? (ie: s6 TA 68).*
- *Wine: again either type of burglary might apply depending on her intent at the point of entry. Regarding intent to steal: she may not have stolen the bottle but did permanently deprive V of the wine. It is unlikely that she intentionally committed criminal damage but was reckless. This might satisfy the ulterior offence in s9(1)(b).*

*Viv:*

- *Bag: robbery of money and purse/bag – complete at the time of appropriation notwithstanding the return of the latter to D.*