



THE LAW SOCIETY OF SCOTLAND
QUALIFIED LAWYERS ASSESSMENT

CRIMINAL LAW

1 November 2021

1030 – 1200
(90 minutes)

Candidates are required to answer ONE out of two questions.

Candidates should note that, in examination answers, they are expected to cite relevant authority.

Question 1

David lives with his sister, Monique. It will be her birthday soon and David wants to give her a present, but unfortunately, he does not have very much money with which to buy one. He has however, on occasion, seen his colleague Ava wearing a beautiful silver locket that he thinks would suit Monique. One day David is walking through the car park outside the office building where he and Ava work, when, much to his delight, he notices the locket lying on the front seat of Ava's car. Ava is nowhere in sight and he decides to use the opportunity to obtain the locket. Much to his surprise he finds that the car door is unlocked, and he takes the locket.

Later that day, David is in the staff room at work. Ava enters and asks David whether he has seen her locket anywhere as she is concerned it has been stolen. David is worried that Ava is suspicious of him and he wants to leave the room so that he does not need to answer any questions about the missing locket. Ava happens to be standing between David and the door. David places his hand on Ava's shoulder and forcefully pushes her out of the way, before running out of the staffroom. Ava, who has a heart condition, falls backwards onto the floor and suffers a stress-induced heart attack. She is later discovered by another colleague and rushed to hospital in an ambulance, where she is placed on a life support machine. A week later, there is no improvement, and the life support machine is switched off. Ava is pronounced dead. According to the doctors who treated Ava, if she had been found sooner after her heart attack, she might not have died.

After the incident in the staffroom David goes straight home, where he finds Monique in the garden of their semi-detached house. He presents her with the locket as an early birthday present. Monique is not impressed, telling David that she prefers gold jewellery. David is annoyed that she does not appreciate the gift. He shakes his fist in the air while shouting angrily at Monique: 'You ungrateful bitch! Stay out of my way the rest of the day or the only thing I'll do with this necklace is use it to choke you with'. He then continues to shout a series of further insults at Monique.

Which crimes in Scots criminal law may have been committed by David? Give full reasons for your answer, citing authority as appropriate.

Question 2

Horace is studying Politics at University. He is of the view that all of the female students in his class find him attractive. He invites a female student named Carrie to his flat to discuss the essay for the course which is due in a couple of days. When Carrie arrives at his flat, he shows her straight into his bedroom. She is a little alarmed by this, but she sits on the edge of his bed as this is the only available seat. Horace sits beside her and puts his arm around her. Carrie says, 'Don't touch me. I'm leaving.' Horace thinks that Carrie would not have sat on the bed if she was not attracted to him. He pushes her onto her back and inserts his penis into her mouth. Carrie moves away and runs out of the flat in tears.

The day on which the essay is due soon arrives. Horace has not prepared an essay, but nonetheless he considers that he is entitled to a good grade. He knows that Jacob is one of the most intelligent students in his class, so he decides that Jacob should 'help' him achieve this. He waits in the bushes outside of the entrance to the Politics department at the university. When Horace sees Jacob approaching carrying a paper copy of his essay, Horace jumps out from behind the bushes wearing a mask and brandishing a kitchen knife. He shouts at Jacob: 'Hand over the essay or you are dead'. Jacob shrieks in fear, drops the essay onto the pavement, and runs away.

Horace picks up the essay from the pavement, pleased that it is now in his possession. He takes it to the office of his professor in the Politics department. He hands the essay to Professor Jones, who thanks Horace for handing his essay in on time. Horace responds by telling her that he hopes that she will enjoy reading his essay. Professor Jones is indeed very impressed by the essay and awards Horace an 'A' grade. Jacob, who did not tell anyone what happened as he was worried, he would not be believed, is awarded zero marks by Professor Jones on the basis that he failed to prepare and submit an essay.

Which crimes in Scots criminal law may have been committed by Horace? Give full reasons for your answer, citing authority as appropriate.

END OF QUESTION PAPER