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

There is an annual arts and crafts fair in the town where Sally lives. This involves a competition where competitors enter an item of jewellery that they have made by hand. There is a £250 prize for winning. Sally does not know how to make jewellery, but nonetheless wants to win the prize money. She also knows that Gemma, who lives nearby, is entering the competition and is reputed to be highly skilled. Sally decides that Gemma is going to “help” her win the competition. On the morning of the fair Sally hides behind some bushes on the street where Gemma lives. When she sees Gemma walking down the street carrying a necklace in a display box, she jumps out from behind the bushes wearing a mask and brandishing a kitchen knife. She shouts: “Hand over the necklace or you are dead”. Gemma shrieks in fear, drops the display box containing the necklace onto the pavement, and runs home. Gemma decides not to attend the fair anymore, as she is upset by the experience.

Meanwhile Sally removes the necklace from the display box and places it in her pocket. She drops the mask and the knife back at her house, then proceeds to take the necklace to the fair. She hands the necklace to the competition's organiser, Susan, and tells Susan that she hopes that the judges will like the necklace she has made. At the end of the fair, all of the items of jewellery entered into the competition are appraised by the judges. Sally is declared the winner and awarded the £250 prize.

After the fair Sally walks towards her home, passing by her neighbour Megan's house. Megan sees Sally walking past her house and invites her in for a glass of wine. Sally enters the house, walking past Megan who is holding the door open for her. Megan tells Sally that she has heard that Sally won a competition at the fair. Sally wants to leave as she does not want to discuss the competition, but Megan happens to be standing between her and the door. Sally places her hand on Megan's shoulder and forcefully pushes her out of the way, before running out of the door. Megan, who has a heart condition, falls backwards onto the floor and suffers a stress-induced heart attack. She is discovered by her husband when he returns home later that evening 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. Megan is pronounced dead. According to the doctors who treated Megan, if she had been found sooner, she might not have died.

Which crimes in Scots criminal law may have been committed by Sally? Give full reasons for your answer, citing authority as appropriate.
Question 2

Rory is employed at a marketing company. He is of the view that all of his female colleagues find him attractive. He invites a female colleague named Lisa to his apartment one evening, telling her it will give them the chance to work on a presentation they have to deliver together. When Lisa arrives at his apartment, Rory 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. Rory sits beside her and puts his arm around her. Lisa says: “Don’t touch me. I’m leaving”. Rory thinks that Lisa 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. Lisa moves away and runs out of the apartment in tears.

The next morning Rory decides to go into the town centre to do some shopping. Once outside he remembers that his car is in the garage as it is being repaired. However, he notices his neighbour David’s bicycle leaning against the shed in the communal garden. Rory shouts “Can I take your bicycle?” to David, who happens to be outside in the garden hanging out his laundry on the washing line. David refuses, replying that he needs to use the bicycle later that day. Rory jumps on the bicycle anyway and, as he cycles away, he shouts over his shoulder, “Don’t worry David - I’ll bring it back at some point!”

Rory cycles to the town centre and dismounts from the bicycle. He is walking down the street, wheeling the bicycle alongside. He is so preoccupied with his thoughts that he does not notice George, a tourist from Australia who is visiting the town, walking towards him. They nearly walk into one another, but the collision is avoided when George moves out of the way. George says a polite hello to Rory. Startled and annoyed, Rory utters several swear words, and shakes his fist in the air while shouting angrily at George: “Stay out of my way or you’ll be sorry! Actually, every single person in this town needs to stay out of my way or they’ll be sorry!” Although other people on the street appear to be shocked, George, who normally works as a police officer in Australia, is not alarmed and tries to calm Rory down.

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

END OF QUESTION PAPER