

THE LAW SOCIETY OF SCOTLAND  
QUALIFIED LAWYERS ASSESSMENT

**CRIMINAL LAW**

6 November 2023

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

Lucas is married to Kirsty, who is, unbeknownst to Lucas, having an affair with her colleague Oliver. One morning Kirsty is at work and decides to tell Lucas the truth. She telephones Lucas, who is at home, and informs him that she is having a sexual relationship with Oliver and that she plans to leave him to be with Oliver. Lucas is very upset and angry at this news. He sits at home for several hours pondering what to do and eventually decides to go to the office where Kirsty and Oliver work to confront them. Before leaving the house, he grabs a knife from the kitchen.

On arriving at the office building in which Kirsty and Oliver work, Lucas notices that there is a CCTV camera above the front door. He decides he needs to wear a baseball cap to hide his face when he enters the building. He crosses the street into the park, and waits in the bushes until he sees Joel, who is wearing a cap, walking past. He jumps out from behind the bushes brandishing the kitchen knife and shouts: "Hand over the cap". Joel shrieks in fear and removes the cap. In his panicked state he drops the cap on the ground and runs away. Lucas picks the cap up and places it on his head.

Lucas then enters the office building and takes the stairs up to the floor on which Kirsty and Oliver work. When he arrives, he is enraged to see the two of them standing in conversation, and marches over. He stabs Kirsty in the chest with the knife, and she dies almost immediately. He then stabs Oliver in the neck. Although Oliver is critically injured, he survives. Lucas heads back down the stairs, throwing the knife in a rubbish bin he passes. On the next floor down, Lucas meets Soliman, another office worker, on the landing of the stairwell. Soliman asks Lucas what he is doing in the office building. Lucas decides he needs to leave the office building urgently. He places his hand on Soliman's shoulder and forcefully pushes past him, shouting "Out my way – I'm in a rush" as he races downstairs. Soliman, who has a heart condition, falls backwards against the wall and suffers a stress-induced heart attack. He dies instantly.

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

## Question 2

Lois loves Christmas. She decides that she wants to decorate her Christmas tree with lots of Christmas lights. However, when she goes to the supermarket to purchase an assortment of Christmas lights, she realises that this will be expensive, and she does not want to pay that amount of money. She tells a member of staff named Morgan that she works for a children's charity and would welcome a donation of Christmas lights to use at the charity's Christmas party. Morgan finds Lois convincing but asks for some identification. Lois flashes in front of her a Disney fan club membership card which has cartoon characters printed on it. Morgan almost hands over three boxes of Christmas lights but then decides to show the card to her manager Francine who examines it in detail and is highly suspicious. Francine blocks the handover of the Christmas lights and Lois leaves the store quickly.

Lois is also determined to win the 'Best Christmas Costume' competition at her work's Christmas party. The day before the party Lois is visiting her friend Maureen when she notices that there is a Grinch costume hanging up on a hook in Maureen's porch. It occurs to

her that this outfit would be perfect for the competition. As she is leaving Maureen's house Lois asks Maureen if she can borrow the outfit. Maureen refuses, replying that she plans to wear the outfit to a Christmas party she is attending. Lois grabs the outfit anyway and rushes out the door. As she does so, she shouts over her shoulder, "Don't worry Maureen - I'll bring it back soon!"

The next day Lois attends the Christmas party wearing the Grinch outfit. Unfortunately, she does not win the competition, and this makes her angry. She storms out of the party. She is still wearing the outfit, which includes a Grinch mask which completely obscures her face. She climbs on to the roof of a car in the car park outside her office building and starts shouting, while banging her feet on the roof. People turn to look, and she shouts, "Someone better get me the best outfit prize ... or else they won't make it to Christmas this year". She is pleased that some people are alarmed and continues to behave in this way until security staff from the nearby office buildings approach.

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

**END OF QUESTION PAPER**