Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/22**

Paper 2 Criminal Law **May/June 2023**

1 hour 30 minutes

1822698745

You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

INSTRUCTIONS

- Answer **two** questions in total:
  - Section A: answer Question 1.
  - Section B: answer **one** question.
- Follow the instructions on the front cover of the answer booklet. If you need additional answer paper, ask the invigilator for a continuation booklet.

INFORMATION

- The total mark for this paper is 60.
- The number of marks for each question or part question is shown in brackets [ ].

This document has **4** pages. Any blank pages are indicated.

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Section A

Answer Question **1(a)**, **(b)** and **(c)** using **only** the source material provided.

1 **(a)** Mikhail and Yuri believe that Freda hides money in a box in her kitchen. The two of them break into Freda's house when they think she is out. Mikhail goes into the kitchen and finds the box. As Mikhail is putting money into a bag, Freda appears in the kitchen. Yuri grabs Freda, pushes her into a chair, ties her hands together and shouts at her to stay where she is and not call the police. Mikhail and Yuri run away with the bag of money.

Explain how the source material will apply to Mikhail and Yuri. [10]

(b) Suki lends Tamsin £100. When Suki asks for the money back Tamsin says she cannot repay it yet. A week later Suki is walking along the street when she sees Tamsin looking in a shop window. Tamsin is holding an expensive new handbag. Suki grabs the handbag from Tamsin without touching her and runs off. When Suki is arrested she tells the police the handbag cost £100, which is the amount of money Tamsin owed her.

Explain how the source material will apply to Suki. [10]

(c) Carol and Roger make money by stealing mobile phones and selling them. In a busy park they see a woman with her phone in her hand. They walk up to the woman and Roger bumps into her. The woman is knocked off balance and Carol takes her phone. Carol and Roger run away. A few minutes later Roger sees a man taking photographs with his phone. Roger approaches the man from behind and knocks him to the ground. Roger grabs the phone but the man does not let go of it. Roger runs away without the phone.

Explain how the source material will apply to Carol and Roger. [10]

Section B

Answer **one** question from this section **not** using the source material.

EITHER

2 **(a)** Describe the chain of causation as an element of *actus reus*. [5]

(b) Evaluate the law of burglary. [25]

OR

3 **(a)** Describe the factors to be considered when sentencing a young offender. [5]

(b) Evaluate to what extent deterrence is the **most** effective aim when sentencing adult offenders. [25]

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Source material for Section A Question 1

Section 8 Theft Act 1968

(1) A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force.

(2) A person guilty of robbery, or of an assault with intent to rob, shall on conviction on indictment be liable to imprisonment for life.

***R v Dawson and James* (1976)**

One of the defendants nudged a man so as to make it easier for the other defendant to take his wallet from his pocket. The jury convicted both of robbery and they appealed contending that nudging fell short of using force.

Held: The convictions were upheld. The word force is to be given its ordinary meaning and requires no direction to the jury. The jury were entitled to find that force had been used.

***R v Robinson* (1977)**

Robinson was owed money (£7) by a woman. He went to ask her for it and a fight developed between Robinson and the woman's husband. During the fight a £5 note dropped out of the husband's pocket. Robinson picked it up and kept it. He was convicted of robbery and appealed.

Held: Robinson's conviction was quashed. There was no theft since the defendant had an honest belief that he was entitled to the money. As there was no theft, there was no robbery.

***R v Hale* (1978)**

The two defendants broke into a woman's home. One went upstairs and took some jewellery from her bedroom. After taking the jewellery the two of them tied her up. They were convicted of robbery and appealed on the grounds that the force came after they had appropriated the jewellery and thus did not come within the requirement of being immediately before or at the time of stealing.

Held: The convictions were upheld. The appropriation of the jewellery was a continuing act.

***Corcoran v Anderton* (1980)**

The two defendants knocked a woman to the ground and grabbed her handbag. She screamed and held on to the bag. They let go of the bag and ran off empty handed. They were convicted of robbery and appealed contending that at no time did they have sole control of the bag.

Held: The convictions were upheld. An appropriation had taken place with the relevant dishonest intent to permanently deprive. It was irrelevant that they left empty handed or that they never gained full control of the bag since touching property is sufficient to amount to an appropriation.

***R v Clouden* (1987)**

The defendant wrenched a shopping bag from a woman's grasp. He did not physically touch the woman herself.

Held: The force used on the bag was sufficient to amount to force on a person.

***R v Lockley* (1995)**

Lockley had been caught shoplifting by a security guard. He used force on the security guard in order to escape. He was convicted of robbery and appealed, contending that Hale had been overruled on the point relating to the appropriation being a continuing act.

Held: The appeal was dismissed. Hale was still good law and an appropriation is a continuing act. Force used in order to escape is thus treated as force used in order to steal.

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