Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/22**

Paper 2 Criminal Law **May/June 2024**

1 hour 30 minutes

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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)** Anthony is a leading member of a gang. The gang plan to burgle Peter's home at night because they believe he keeps a lot of money in a safe. Anthony takes an iron bar with him and the gang break into Peter's house. Anthony uses the iron bar to open the safe and the gang put money they find into bags. Anthony sees Peter come into the room. He hits Peter with the iron bar, breaking his leg. The gang escape with £50 000. Anthony is convicted of aggravated burglary and the trial judge notes that he has three previous convictions for burglary.

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

(b) Soraya's brother, Adnan, is in debt. He forces her into breaking into a neighbour's house to steal a picture he can sell to pay his debts. When Soraya thinks her neighbour is at work, she uses a hammer to break a window and enters the house. She finds the picture and hides it under her coat. As Soraya is leaving, the neighbour appears. Soraya runs past the neighbour and out of the house with the picture. Soraya is convicted of aggravated burglary. The trial judge notes that the picture is in fact only worth £10, that Soraya has no previous convictions and is very sorry for what she has done.

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

(c) Caleb, aged 16, has been helping his elderly friend, Anna, with jobs at her house for a year. Caleb has a learning disability which makes it hard for him to control his temper. Caleb asks Anna to lend him money. When Anna refuses, Caleb becomes very angry. An hour later Caleb is still very angry and goes to Anna's house with a gun to frighten her into lending him the money. Anna is out so Caleb breaks into her house. He uses the gun to smash a vase which he knows is of great sentimental value to Anna. Caleb is convicted of aggravated burglary. The trial judge notes that Caleb was on bail on a charge of theft at the time of the offence but that he is now getting help with his learning disability.

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

Section B

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

EITHER

2 **(a)** Describe the *actus reus* of the offence of making off without payment. [5]

(b) Evaluate the effectiveness of the law in s1 Criminal Damage Act 1971. [25]

OR

3 **(a)** Describe the law on direct intention in criminal law. [5]

(b) Evaluate the effectiveness of the law of fraud. [25]

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Source material for Section A Question 1

Sentencing Council Guidelines – Aggravated burglary – Section 10 Theft Act 1968 (adapted)

Step 1 – Determining the offence category
Category 1 – Greater harm **and** higher culpability
Category 2 – Greater harm **and** lower culpability **or** lesser harm **and** higher culpability
Category 3 – Lesser harm **and** lower culpability

Factors indicating greater harm
- Theft of/damage to property causing a significant degree of loss to the victim (whether economic, commercial, sentimental or personal value)
- Soiling of property and/or extensive damage or disturbance to property
- Victim at home or on the premises (or returns) while offender present
- Significant physical or psychological injury or other significant trauma to the victim
- Violence used or threatened against victim, particularly involving a weapon

Factors indicating lesser harm
- No physical or psychological injury or other significant trauma to the victim
- No violence used or threatened, and a weapon is not produced

Factors indicating higher culpability
- A significant degree of planning or organisation
- Equipped for burglary (for example, implements carried and/or use of vehicle)
- Weapon present on entry
- Member of a group or gang

Factors indicating lower culpability
- Offender exploited by others
- Mental disorder or learning disability, where linked to the commission of the offence

Step 2 – Starting point and category range

Offence category	**Starting point (applicable to all offenders)**	**Category range (applicable to all offenders)**
Category 1	10 years' custody	9–13 years' custody
Category 2	6 years' custody	4–9 years' custody
Category 3	2 years' custody	1–4 years' custody

Factors increasing seriousness (aggravating factors)
- Previous convictions
- Offence committed whilst on bail
- Offence committed at night
- Abuse of power and/or position of trust

Factors reducing seriousness (mitigating factors)
- Subordinate role in a group or gang
- Nothing stolen or only property of very low value to the victim (whether economic, commercial, sentimental or personal)
- No previous convictions or no relevant/recent convictions
- Remorse
- Age and/or lack of maturity where it affects the responsibility of the offender

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