Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/22**

Paper 2 Criminal Law **October/November 2023**

1 hour 30 minutes

2331215844

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.

© UCLES 2023

Section A

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

1 **(a)** Mary is dismissed from her job in England because her employer, Brendan, says she stole money from the business. Brendan will not pay Mary the £1500 she is owed in wages because that is the amount of money which was stolen. Mary can prove someone else stole the money. Mary repeatedly tries to tell Brendan the truth but he will not listen to her. Brendan moves to Australia. Mary sends Brendan emails saying she will post on social media and tell newspapers in England what has happened to her unless he pays her £5000.

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

(b) Sanjay is arrested at a protest rally by Sergeant Jones, a female police officer. When Sanjay is interviewed at the police station Sergeant Jones discovers he is a solicitor. She informs Sanjay that he is to be charged with criminal damage. She suggests that Sanjay will be found guilty and lose his job. She tells Sanjay to return to the police station 24 hours later if he wants to avoid being charged. Next day they meet at the police station and she asks what he intends to do. Sanjay gives Sergeant Jones £1000. Sergeant Jones does not charge Sanjay with criminal damage.

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

(c) Charles lends Dave £500. He asks for the money back but Dave will not pay. A month later Charles is desperate for the £500 as he is in debt to a drug dealer. The drug dealer has threatened to seriously injure him if he does not pay what he owes. Charles knows Dave has a wealthy aunt. Charles telephones the aunt pretending to be Dave. He says he is being held hostage and that he will be seriously injured if he does not pay £500. The aunt pays Charles £500, thinking she is giving the money to Dave. Charles uses the money to settle the debt with his drug dealer.

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

Section B

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

EITHER

2 **(a)** Describe the offence of aggravated burglary. [5]

(b) Evaluate the law on omissions in *actus reus*. [25]

OR

3 **(a)** Describe the community sentences available for an adult offender. [5]

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

© UCLES 2023

Source material for Question 1

Section 21 Theft Act 1968

(1) A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and for this purpose a demand with menaces is unwarranted unless the person making it does so in the belief—
  (a) that he has reasonable grounds for making the demand; and
  (b) that the use of the menaces is a proper means of reinforcing the demand.

(2) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand.

(3) A person guilty of blackmail shall on conviction on indictment be liable to imprisonment for a term not exceeding fourteen years.

***R v Collister and Warhurst* (1955)**

The two defendants were police officers. They intimated to the complainant that he would be prosecuted for an offence. They arranged to meet him the next day and told him the report of the offence would not occur unless he failed to turn up for the meeting. At the meeting one of the officers asked the complainant if he had anything for him. The complainant handed over £5. The defendants were convicted of blackmail and appealed contending they did not make any demand.

Held: The convictions were upheld. The demand need not be express but can be implied from conduct and circumstances.

***Treacy v DPP* (1971)**

The defendant posted a letter to a person in Germany containing a demand with menaces. She posted it from England and it was received in Germany. She argued that the demand did not take effect until it was received and therefore she could not be tried in England as the offence was committed in Germany.

Held: The House of Lords held the demand was made as soon as the letter was posted.

***R v Harvey* (1981)**

The three defendants had given £20 000 to the complainant for a consignment of cannabis. The consignment, however, turned out to be worthless. In response the defendants kidnapped the complainant's wife and child and threatened to seriously harm them unless he returned their money. The trial judge directed the jury that threats to commit serious criminal offences could never be regarded as 'proper'. The jury convicted them of blackmail and they appealed on the grounds of a mis-direction.

Held: The convictions were upheld. The trial judge was wrong not to leave the question of belief that the demand was proper to the jury. The Court of Appeal was satisfied that a jury properly directed would have inevitably convicted.

***R v Lambert* (2009)**

The appellant was owed money by Aaron. He phoned up Aaron's grandmother and pretended to be Aaron. Posing as Aaron, he claimed that he had been tied up and that his captors were demanding £5000. He was convicted of blackmail and appealed contending that since in the making of the call he had not made any threat towards Aaron (as he was posing as the victim of threats) neither was it in his power to carry out any such threat.

Held: Conviction upheld. There is no requirement that the person making the demand is to be the one who carries out any of the threatened action or that the demander is in a position to carry out the threatened action.

© UCLES 2023

BLANK PAGE

Permission to reproduce items where third-party owned material protected by copyright is included has been sought and cleared where possible. Every reasonable effort has been made by the publisher (UCLES) to trace copyright holders, but if any items requiring clearance have unwittingly been included, the publisher will be pleased to make amends at the earliest possible opportunity.

To avoid the issue of disclosure of answer-related information to candidates, all copyright acknowledgements are reproduced online in the Cambridge Assessment International Education Copyright Acknowledgements Booklet. This is produced for each series of examinations and is freely available to download at www.cambridgeinternational.org after the live examination series.

Cambridge Assessment International Education is part of Cambridge Assessment. Cambridge Assessment is the brand name of the University of Cambridge Local Examinations Syndicate (UCLES), which is a department of the University of Cambridge.

© UCLES 2023