

Criminal Law Questions

Question 1:

Which of the following statements is TRUE?

- a) There is no lower age of criminal liability in English law.
- b) The effect of s. 34 Crime and Disorder Act 1998 is that all children aged 10 and above are fully criminally capable.
- c) Section 34 Crime and Disorder Act 1998 provides that if D raises his capacity as an issue, the prosecution must prove D was aware that what he was doing was seriously wrong.
- d) The minimum age of criminal capacity in English law is 14.

Question 2:

Which of the following is FALSE?

- a) Insanity is a general defense which may be pleaded to all crimes.
- b) Insanity is a legal defense, not a description of a mental or medical condition.
- c) Insanity is satisfied where D was laboring under such a defect of reason, from the disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know that he was doing what was wrong.
- d) Insanity is where D's state of mind is so different from that of ordinary human beings that the

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reasonable man would term it abnormal. It is wide enough to cover the mind's activities in all its

aspects, not only the perception of physical acts and matters, and the ability to form a rational

judgment as to whether an act is right or wrong, but also the ability to exercise will-power to

control physical acts in accordance with that rational judgment.

Question 3:

The defendant has a defect of the reason for the purposes of the defense of insanity if

- a) He is totally deprived of the power of reasoning.
- b) He is unable to exercise rational judgment.
- c) He lacks willpower.
- d) He was absent-minded.

Question 4:

Disease of mind for the purpose of the defense of insanity is

- a) an internal bodily cause affecting D's mental faculties of reason, memory, and understanding.
- b) an external bodily cause affecting D's mental faculties of reason, memory, and understanding.
- c) a state of mind is so different from that of ordinary human beings that the reasonable man would term it abnormal.

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d) an internal mental disorder.

Question 5:

Which of the following is FALSE?

a) In Quick (1973) D had taken insulin but had not eaten. The Court of Appeal held that

hypoglycemia caused by the application of medication to the body is an external factor. This

was, therefore, not insanity.

b) Hennessey (1989) D had not taken insulin and had also not eaten. The Court of Appeal held

that hyperglycemia caused by operation of the diabetes is an internal factor. This was,

therefore, a case of insanity.

c) Burgess (1991) the Court of Appeal concluded that sleepwalking is due to an internal disorder

and the correct defense is, therefore, insanity.

d) In Kemp (1957) D's arteriosclerosis was a disease of the heart, not a disease of the mind.

Question 6:

Which of the following is a FALSE description of the operation of the defense of insanity?

a) The prosecution must prove D committed the

c) D must prove on a balance of probabilities that he was legally (M'Naghten) insane.

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d) D must adduce evidence from at least 2 registered medical practitioners (s. 1 Criminal

Procedure (Insanity and Unfitness to Plead) Act 1991).

Question 7:

Insanity and automatism (that is insane automatism and non-insane automatism) are similar

defenses. In which way, from those listed, do they differ?

- a) D must have had a defect of reason.
- b) The defect of reason must have been caused by a disease of the mind.
- c) D did not form men's rea.
- d) D did not know what he was doing.

Question 8:

In order to determine the effect of the defense of (non-insane) automatism, further questions

need to be answered. Select the option below which is NOT a further consideration.

- a) Whether the offense is the specific intent
- b) Whether the offense is basic intent
- c) If the offense is the basic intent, whether D was Bailey reckless in becoming an automaton
- d) Whether D formed men's rea

Question 9:

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If D is involuntarily intoxicated at the time of the crime, which of the following statements is

TRUE?

- a) If D is charged with a specific intent crime, he is not guilty.
- b) If he is charged with a basic intent crime, he is guilty.
- c) If D formed men's rea he is guilty.
- d) If D was not 'at fault' informing the men's rea he is not guilty.

Question 10:

Which is the best description of the rule governing voluntary intoxication from Majewski (1977)

[ignoring for the moment the clarification of it in Richardson and Irwin]?

- a) D is not guilty of a crime of specific intent if he did not form men's rea.
- b) D is guilty of a crime of basic inte