

# **CRIMINAL LAW**

## **MODEL EXAM**



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## ***IRAC method of completing exams***

- Issues** - Outline the issues that you are going to discuss.
- Rules** - Define the legal rules that are relevant to the question.
- Application** - Apply the legal rules to the facts of the question (this is the hard part!).
- Conclusion** - Tie things up, usually in the form of an advice to your hypothetical client.

Always use your reading time wisely to **PLAN YOUR ANSWER** before writing. This is of utmost importance as it will help you clarify your thoughts and ensure that you avoid following desperate exam strategies that unprepared students commonly resort to, such as:

- i) 'the kitchen sink' i.e. spilling all of your knowledge that is vaguely related to the topic onto the exam paper and hoping for the best.
- ii) 'the garden path' i.e. going off on an irrelevant tangent

Remember that the **APPLICATION IS THE MOST IMPORTANT SECTION** of your answer and should take up the bulk of your time. The actual conclusions you reach are often superfluous. Rather, your marker will be most interested in *how you arrived* at your conclusion.

**Question One**

Ashleigh was becoming desperate. She was a mother to a young child who she was struggling to feed. She found it impossible to find work. Ashleigh decided it would be a good idea to rob the local dairy, as she had seen the till full of bank notes when she went to buy her milk.

Ashleigh fashioned a balaclava out of an old woolen hat. She put it on, and took her hockey stick with her to the local dairy. Upon entering the dairy, she demanded that the man at the till, Guy, give her everything that was in the drawer. Guy replied that there was not a lot of money in the till, but there was more on the shelf underneath the till.

As Guy bent down to reach for the cash, Ashleigh thought she saw him reaching for his cell phone. Thinking that he meant to grab the phone and call for help, Ashleigh swung the hockey stick towards his hand. She intended to hit his hand to stop him making a call. Unfortunately Ashleigh was never a very good hockey player, and missed Guy's hand. She struck him on the top of his head. Guy shouted out in surprise. Ashleigh was startled by her mistake and Guy's shout, and wanted to quiet him so as to avoid being discovered. She hit him on his head again, much harder this time, Guy collapsed behind the counter, bleeding heavily. Ashleigh panicked, and ran out of the dairy. A police officer saw Ashleigh fleeing, and apprehended her.

**Question Two**

Imagine you are a sentencing judge. Consider the appropriate sentence Ashleigh should receive for Guy's murder, assuming she is found guilty. In addition to the facts from Question One, take into account the following:

Ashleigh is 22 years old. She has been in and out of foster homes as a child. She had trouble at school, and did not attend most of the time. She has been charged with several minor thefts before; mostly lollies from supermarkets and dairies. Once she attempted to take an iPod from a Warehouse store, but was caught before she left the store and was not charged.

***Question Three***

Emma is Ashleigh's best friend. She knew about Ashleigh's problems and how she was struggling to look after her child. Emma was the one who first suggested that Ashleigh steal from the dairy. Emma had said 'I know that guy who works in the dairy, he's a softy, he won't give you any trouble'. At the time, Ashleigh had shunned the idea, so Emma thought no more of it.

***Question Four***

You are Ashleigh's defence counsel. Ashleigh claims that she only went to steal money from the dairy because she had been meeting with a counselor who was worried about her daughter. She had warned Ashleigh that if she could not find a job to support her child Alex, she may have to recommend that Alex be sent to a special boarding school for young children, and Ashleigh would not see him very often.

This made Ashleigh very stressed, and sometimes she had moments where she was so angry that she couldn't remember what she was doing. When these episodes came on, Ashleigh was often violent towards inanimate objects, but not usually people. Ashleigh says that she cannot remember hitting Guy a second time, but she feels 'like something might have happened, I felt kind of funny like what normally happens'.

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