

CENTRAL UNIVERSITY



END-OF-SECOND SEMESTER EXAMINATION – 2017/2018

FACULTY OF LAW
BACHELOR OF LAWS (LL.B)
LEVEL 100 & 200
(February Cohort)
LAW 108: Criminal Law II

Friday, 24th August, 2018

TIME ALLOWED: TWO AND A HALF (2 ½) HOURS

INSTRUCTIONS

1. There are a total of six (6) questions. Candidates are to answer three (3) questions only.
2. **Question One (1) is COMPULSORY and MUST be answered by all students.**
3. Answer Sheets will be provided. Each answer must begin on a fresh page.
4. Any extra answer sheet should be properly tied to the original answer sheet.
5. Marks will be awarded for good presentation, clarity in legal reasoning and proper use of legal authorities.
6. Please write LEGIBLY
7. Good Luck

DO NOT TURN OVER THIS PAGE UNTIL YOU HAVE BEEN TOLD TO DO SO BY THE INVIGILATOR.

Examiners: DR. ISAAC ANNAN & REYNOLDS TWUMASI JNR

QUESTION 1

Serwaa, Cynthia, Doris and Heavy Dee are good friends. Serwaa had a boyfriend called Brian, a British who was in Ghana as an investor in the oil industry. Serwaa told her friends that if they could all join hands together and be courageous in dealing with her boyfriend, they could all be rich overnight since Brian had over half a million dollars in his bag. They agreed that it was a good venture worth trying. Serwaa told the rest where Brian will be found alone the following day. Cynthia and Doris were to proceed to the place. Whiles Cynthia engages Brian to take away his bag by means of intimidation with the aid of a pistol, Doris was only to watch the incident from afar and alert Cynthia if anyone was coming to the scene. Heavy Dee was to supply the gun they needed for the exercise.

On the morning of the operation, Heavy Dee informed Serwaa by phone that he was no longer interested in the operation. Serwaa found a pistol for Cynthia and the exercise was undertaken without the involvement of Heavy Dee. Cynthia and Doris brought the money to Serwaa and the three shared it. Brian reported the incident to the Police, and subsequent investigations led to the arrest of the four.

a. Assess the criminal liability, if any, of each of the four friends. Will any defence be available to Heavy Dee? [15 Marks]

b. Discuss the substantive charge against the four persons, if any. [15 Marks]

[Total: 30 Marks]

QUESTION 2

After successfully graduating from Mastermind University College, Jane and her boyfriend, Gyato, decided to "cool off" at Mapuka Leisure Point. They returned to the hostel late in the night looking fatigued. Jane decided to spend the rest of night at Gyato's place. On entering the room, they realised that it was too hot. As a result, they opened the window for fresh air and resorted to watching a film, but later fell into deep sleep. Mintah, who had been admiring Jane and had proposed to her without success, was returning to his hostel when he noticed the window opened with both Gyato and Jane naked and deeply asleep. Aroused by Jane's nakedness, Mintah opened the door and started fondling her. Jane responded believing that it was Gyato. A few moments later, Jane realized that it was Mintah who was fondling her. She is distraught and has reported the incident to the police.

With the aid of relevant legal authorities, discuss the criminal liability of Mintah. [15 Marks]

QUESTION 3

Opana was employed by Ghana Railways Company to operate the Railway crossing at Community 3, Tema; he has been doing the job for over two years. On 2nd April, 2015 whiles at post at about 1:30pm, Opana left his post and went to Sakumono to buy food as he claimed he was hungry. Whiles away, an Accra bound train from Tema arrived at the crossing and with no one operating the crossing, the train hit a Toyota vehicle that also had arrived at the crossing at the same time, which in turn hit and severely injured Aboagye, a boy walking to school from Asaprochona, a village near Sakumono. Aboagye was conveyed to Tema General Hospital. He died a few days after admission.

Can Opana be held criminally liable for the death of Aboagye?

[15 Marks]

QUESTION 4

Atia was a young University graduate who was employed as a clerk at Great Generation Consult. His girlfriend Akos, became pregnant for him just two months into their relationship. Akos dismissed any suggestion of aborting the pregnancy. Atia picked an altercation with Akos and in the heat of it slapped and kicked her in the abdomen, accompanied with the words, "*I can't be responsible for this bastard child of yours. No, not me*". Akos bled until a friend took her to the hospital. She was treated and told that the pregnancy was intact. Akos gave birth to a baby boy five months after the incident. The baby died two weeks after birth. The cause of death was given as brain damage to the foetus and the only link was the kicking of Akos' abdomen by Atia while she was pregnant.

As a State Attorney, how would you establish criminal liability of Atia, if any, under Act 29?

[15 Marks]

QUESTION 5

"The Ghanaian law on extortion and extortion by a public officer palpably demonstrates how unequally yoked the criminal justice system has been structured to favour public officers".

State your agreement or otherwise with the above statement taking into account the offence of extortion by a public officer under Act 29.

[15 Marks]

QUESTION 6

On his way to work, Abeka found a purse at Kotokraba market containing US\$1900, GH¢550 and Champion Bank (the Bank) Visa card bearing the name of Naa Amerley. Naa Amerley had, on the previous day, reported her missing purse to the Police. Consequently, an announcement was made via the local FM station. Abeka has disregarded the radio announcement and has gone ahead to give the purse to his girlfriend, Boatemaa. In addition, he gave Boatemaa an amount of US\$1500 out of the US\$1900 for her Christmas shopping. He kept the rest of the money for his outgoings. Meanwhile, Abeka has sought advice from his friend, Gyekye, Branch Manager of the Bank, regarding the Visa card. Gyekye advises Abeka to use the personal details on the Visa card to request for a new card from the Bank. Abeka heeded Gyekye's advice. Boatemaa has applied for a new visa card as advised. Papanii, who overheard Boatemaa boasting of her "fortune" has alerted the Bank leading to Boatemaa's arrest.

With the aid of relevant legal authorities, discuss the criminal liability, if any, of Abeka, Boatemaa and Gyekye.

[15 Marks]