Test Bank for Criminal Law Directions 6th Monaghan

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Type: multiple choice question
Title: Chapter 02 - Question 01
1) Peggy fails to feed her 3 year old daughter, Lisa. Lisa dies due to starvation. Under which of the following categories of duty is liability most likely to be imposed upon Peggy for her failure to act?
a. Contractual duty and statutory duty
Feedback: There is no contractual duty between Peggy and her daughter. There is a statutory duty on Peggy not to neglect her child under s.1, Children and Young Persons Act 1933. However, as both of these categories do not apply, this is not the correct answer.
Section reference: 2.4.2.5
b. Public duty and special relationship
Feedback: There is no public duty between Peggy and her daughter. There is a special relationship between parent and child, thus Peggy has a duty to act (see *Downes* (1875) and *Gibbins and Proctor* (1918)). However, as both of these categories do not apply, this is not the correct answer.
Section reference: 2.4.2.5
c. Danger to avert danger created and contractual duty
Feedback: The *Miller* principle does not apply here - Peggy has not really *created* the dangerous situation. There is also no contractual duty between Peggy and her daughter.
Section reference: 2.4.2.5
*__d.__ Special relationship and statutory duty
Feedback: There is a special relationship between parent and child, thus Peggy has a duty to act (see *Downes* (1875) and *Gibbins and Proctor* (1918)). There is also a statutory duty on Peggy not to neglect her child under s.1, Children and Young Persons Act 1933.
Section reference: 2.4.2.5

Type: multiple choice question
Title: Chapter 02 - Question 02
2) Richard moves in with his elderly aunt to look after her when she falls ill. She provides him with money to do the weekly shopping. However, Richard spends the money on a new TV and fails to call for medical assistance when his elderly aunt falls ill. As a result, she dies. Under which of the following categories might the law impose a duty on Richard to act?
*__a.__ Voluntary assumption of responsibility
Feedback: Richard has voluntarily assumed responsibility of his aunt because he took on the role of caring for her: *Stone and Dobinson* (1977).
Section reference: 2.4.2.2
b. Special relationship
Feedback: There is no special relationship between Richard and his aunt, even though they are blood relatives (see *Gibbins and Proctor* (1918)).
Section reference: 2.4.2.2
c. Statutory duty
Feedback: There is no statutory duty on Richard to look after his aunt.
Section reference: 2.4.2.2
d. Contractual duty
Feedback: There is no contractual duty on Richard to look after his aunt.
Section reference: 2.4.2.2

Type: multiple choice question
Title: Chapter 02 - Question 03
3) Samantha is stopped by a police officer who wishes to carry out a lawful search of her. The police officer asks Samantha if she is carrying any needles. Samantha states that she is not. The police officer searches Samantha and is stabbed by a hypodermic needle. Under which of the following categories of duty is liability most likely to be imposed upon Samantha for her failure to act?
a. Special relationship
Feedback: There is no special relationship between Samantha and the police officer.
Section reference: 2.4.2.3
*__b.__ Duty to avert danger created

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Feedback: The *Miller* principle applies here. Samantha has created the dangerous situation and fails to avert the danger. See *DPP v Santana-Bermudez* (2003).
Section reference: 2.4.2.3
c. Voluntary assumption of responsibility
Feedback: Samantha has not voluntarily assumed responsibility of the police officer: *Stone and Dobinson* (1977).
Section reference: 2.4.2.3
d. Public duty
Feedback: Samantha has no public duty in respect of the police officer.
Section reference: 2.4.2.3

Type: multiple choice question
Title: Chapter 02 - Question 04
4) Mohammed, a zoo keeper in charge of the lions' den, leaves the door to the lions' den unlocked after feeding time. A lion escapes and attacks a visitor to the zoo. Under which of the following categories of duty is liability most likely to be imposed upon Mohammed for his failure to act?
a. Special relationship
Feedback: There is no special relationship between Mohammed and the visitor.
Section reference: 2.4.2.4
b. Voluntary assumption of responsibility
Feedback: Mohammed has not voluntarily assumed responsibility of the visitor: *Stone and Dobinson* (1977).
Section reference: 2.4.2.4
c. Statutory duty
Feedback: There is no statutory duty on Mohammed to keep the door closed.
Section reference: 2.4.2.4
***d.** Contractual duty
Feedback: There is likely to be a contractual duty on Mohammed to take proper safety precautions after feeding the animals, such as closing the door after feeding time: *Pittwood* (1902).
Section reference: 2.4.2.4

Type: multiple choice question
Title: Chapter 02 - Question 05
5) Which of the following cases is authority for the principle that a "free, deliberate and informed" act of a third party will break the chain of causation?
a. *Cheshire* (1991)
Feedback: *Cheshire* is the leading authority on negligent medical treatment.
Section reference: 2.5.3.5
b. *White* (1910)
Feedback: *White* is an authority on the use of the "but for" test to establish factual causation. It is an authority in which the "but for" test was not established.
Section reference: 2.5.3.5
***c.** *Pagett* (1963)
Feedback: *Pagett* is the leading authority on whether an intervention by a third party will break the chain of causation. The principle of law derived from this case is that an act of a third party will break the chain of causation where it is voluntary, i.e., free, deliberate and informed.
Section reference: 2.5.3.5
d. *Roberts* (1971)
Feedback: *Roberts* is the leading authority on whether the escape by a victim will break the chain of causation.
Section reference: 2.5.3.5

Type: multiple choice question
Title: Chapter 02 - Question 06
6) Which of the following cases is an authority on the "thin skull rule"?
a. *Smith* (1959)

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Feedback: *Smith* is an authority on negligent medical treatment.
Section reference: 2.5.3.1
*__b.__ *Blaue* (1975)
Feedback: *Blaue* is the authority which provides that the defendant must take ht victim as he finds him (the thin skull rule).
Section reference: 2.5.3.1
c. *Kennedy (No. 2)* (2007)
Feedback: *Kennedy (No. 2)* is a House of Lords' authority on whether the voluntary conduct of the victim breaks the chain of causation.
Section reference: 2.5.3.1
d. *Jordan* (1956)
Feedback: *Jordan* is an authority on negligent medical treatment which is limited to its own facts.
Section reference: 2.5.3.1

Type: multiple choice question
Title: Chapter 02 - Question 07
7) Bill is attacked by Kevin during a fight. Bill sustains a stab wound to the chest and is taken to hospital where a doctor misdiagnoses the severity of Bill's injuries and fails to treat him properly. Kevin is charged with inflicting GBH. Which of the following authorities is NOT likely to be applied in respect of whether the doctor's negligent treatment will break the chain of causation?
*__a.__ *Jordan* (1956)
Feedback: *Jordan* is an extreme authority which has been limited to its own facts and is unlikely to be applied again. This authority provides that negligent medical treatment will break the chain of causation where it is "palpably wrong".
Section reference: 2.5.3.6
b. *Smith* (1959)
Feedback: *Smith* is still a leading authority on negligent medical treatment and causation. This authority provides that negligent medical treatment will not break the chain of causation where the original wounds were operating and substantial.
Section reference: 2.5.3.6
c. *Malcherek and Steel* (1981)
Feedback: *Malcherek and Steel* is still a leading authority on negligent medical treatment and causation. This authority provides that negligent medical treatment will not break the chain of causation where the original wounds were operating and substantial.
Section reference: 2.5.3.6
d. *Cheshire* (1991)
Feedback: *Cheshire* is still a leading authority on negligent medical treatment and causation. This authority provides that negligent medical treatment will not break the chain of causation unless it was so independent from the defendant's act and so potent in causing death that it renders what the defendant did insignificant.
Section reference: 2.5.3.6

Type: multiple choice question
Title: Chapter 02 - Question 08
8) Which of the following will always break the chain of causation?
a. Negligent medical treatment
Feedback: Negligent medical treatment will not break the chain of causation where the original wounds were operating and substantial: *Smith* (1959) or unless it was so independent from the defendant's act and so potent in causing death that it renders what the defendant did insignificant: *Cheshire* (1991).
Section reference: 2.5.3.4
b. A reasonably foreseeable escape
Feedback: A reasonably foreseeable escape will not break the chain of causation: *Roberts* (1971). The chain of causation will only be broken where the escape was unforeseeable and "daft".
Section reference: 2.5.3.4
*__c.__ A free and informed act by the victim

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Feedback: A free and informed act by the victim will break the chain of causation: *Kennedy (No. 2)* (2007).
Section reference: 2.5.3.4
d. An unforeseeable physical condition of the defendant
Feedback: The thin skull rule states that the defendant must take the victim as he finds him: *Blaue* (1975).
Section reference: 2.5.3.4

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