

## Introduction to English Law, Exam, Brno

Adam and Brian are good friends. Adam is a keen hunter and one day goes out to his local gun shop and buys a gun. He obtains all the relevant licences and paperwork and stores the gun safely in his house. As the law requires, he provides one other person with the key to the safe, namely Brian.

Brian has recently discovered that Adam has been having a secret relationship with his girlfriend, Chloe. Brian is furious and decides to confront Adam. He goes over to his house only to find Adam and Chloe in a compromising situation. In a fit of rage Brian retrieves the gun from the safe and aims to shoot Adam. However, as a result of a manufacturing fault in the barrel of the gun, the gun backfires. The stray bullet punctures Chloe lung. When the gun backfires, part of the faulty barrel flies off hitting Brian both eyes. As a result of the injury, he becomes completely blind.

Chloe is taken to the hospital. She remains in a coma for a month. It is determined that she is in a persistent vegetative state (PVS), although her brain stem is not dead. Her doctors have concluded that there is absolutely no possibility for her to recover and have asked her family whether they want to cease with artificial feeding. Her family have agreed and Chloe's artificial feeding is terminated. One day later Chloe dies.

- (a) You are the trial judge in the Crown Court hearing of the case against Brian. Taking all the circumstances and the possible arguments of both parties into account, how would you decide the case?
- (b) You are the trial judge in the County Court hearing of the case brought by Brian against the manufacturer of the gun. Taking all the circumstances and the possible arguments of both parties into account, how would you decide the case?

Please send your answer to the above questions in a maximum of 3 A4 pages to [i.curry-sumner@law.uu.nl](mailto:i.curry-sumner@law.uu.nl) before the 7<sup>th</sup> January 2009.

Have a very, merry Christmas and all the very best for 2009.

Yours with best wishes,

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