

CRIMINAL LAW

1. One evening Able, with his dog Charlie, was passing by a local delicatessen which had closed for the night. He picked up a large rock and heaved it through a plate glass window. He then sent in Charlie to retrieve and bring out a large salami. Able can properly be found guilty of:
 - A. larceny
 - B. burglary
 - C. larceny and burglary
 - D. none of the above
2. Able offered to give Becky a ride home one evening. He told her that he needed to pick up something at his house on the way and she agreed. Once at his house, Able, as he had planned, forced her to have sex with him over her objection. Able can properly be found guilty of:
 - A. rape
 - B. kidnapping
 - C. rape and kidnapping
 - D. rape, kidnapping and false pretenses
3. Able went out one night with the intent to kill Baker. Although he wasn't sure where to find him, he had heard that Baker was working at a local restaurant. Able went to the alley behind the restaurant hoping to get Baker as he came out the employees entrance. Able shot at a shadow that he hoped was Baker and left, confident that he had gotten his man. Able's bullet went through a cat that had cast the shadow, ricocheted off a wall and through the window of Charlie's apartment, seriously wounding Charlie. Able can properly be convicted of:
 - A. attempt to kill Baker
 - B. attempt to kill Charlie
 - C. cruelty to animals
 - D. none of the above
4. Able's best defense to attempt in the above scenario is:
 - A. factual impossibility
 - B. legal impossibility
 - C. He didn't know where Baker was.
 - D. He didn't intend to kill Charlie.
5. The prosecution's best argument is:
 - A. His intent to kill was transferred.
 - B. Factual impossibility is no defense to attempt.
 - C. He was in perpetration of the crime
 - D. Mistake of fact is no defense to an attempt.
6. One day Able saw a pawn ticket on his brother Andy's bureau. Curiosity got the best of him so he took the ticket to the

pawn shop and retrieved a rolex watch using his own I.D. which had the same initials as his brother. He took the watch to Charlie's Jewelry shop and sold it for \$2,000.00 dollars. With regard to the pawn ticket, what crime?

- A. larceny
 - B. larceny by false pretenses
 - C. embezzlement
 - D. larceny by trick
7. With regard to the rolex watch, what crime?
- A. larceny
 - B. larceny by false pretenses
 - C. embezzlement
 - D. larceny by trick
8. With regard to the money, what crime?
- A. larceny
 - B. larceny by false pretenses
 - C. embezzlement
 - D. larceny by trick
9. Able wanted a divorce from Becky but she was making it difficult for him so he hit upon a plan to have his friend Baker slip into their bed at night and force himself upon Becky. He would then catch them in the act and sue for adultery. Baker agreed to this request and followed through with the plan. Able and Baker are arrested. Able is guilty of:
- A. rape
 - B. rape and solicitation
 - C. rape, and conspiracy
 - D. rape, solicitation and conspiracy
10. If the evidence showed that Becky thought it was her husband and she willingly had relations with him, Baker is guilty of:
- A. rape only
 - B. conspiracy only
 - C. rape and conspiracy
 - D. none of the above
11. Able was at Baker's house one night and Baker lit up a pipe full of marijuana out of a bag containing a large amount. Baker offered Able some but Able, who was a born again Christian, got angry at Baker and began to expound the evils of drugs and alcohol to Baker. After a while, the two decided to go out for a bite to eat. When they reached the driveway, Able told Baker that he had to go to the bathroom. Able went back into the home and, once in there, he took Baker's bag of marijuana and as he had planned to do, he flushed it down the toilet. Able has committed the following crime:
- A. burglary
 - B. larceny
 - C. burglary and larceny
 - D. none of the above

Short Answer Questions (5 points each)

Answer the following questions using approximately 1/2 of a page per answer. Be sure to answer the question fully; discuss crimes and defenses (where applicable).

1. (2 parts)
 - a. Al shot Bob in the leg intentionally. While in the hospital, Bob required a blood transfusion. The blood was contaminated with a rare deadly virus. Al died one week later.
 - b. Al shot Bob in the leg intentionally. While Bob was on the operating table, the doctor recognized Bob as the man who had recently been acquitted in a trial for the rape of the doctor's daughter. The doctor doubled Bob's dosage of anesthesia, and Bob died.
2. Under common law, can a woman be convicted for the rape of another woman? Explain.
3. Al borrowed Bob's snow blower last year and never returned it. When it snowed this past Saturday, Bob was irate, to say the least! That night, knowing that Al was out for the evening, Bob went to Al's house to get that snow blower even if it meant that he had to steal it back. The side door to the garage was unlocked. To get the snow blower out, Bob had to break the lock on the garage door. Discuss.
4. Sam had a crush on Diane, but she would not have anything to do with him. Sam became frustrated and angry with Diane's repeated brush offs. One night, Sam broke into Diane's apartment to "make her see the light" with his sexual advances. Sam jumped into Diane's bed and forced the woman to have sexual intercourse with him. Unbeknownst to Sam, he had broken into Rebecca's apartment. What crime(s) against Diane? Rebecca? Defenses? Explain.
5. Charlie was angry with his high school teacher for giving him an "F" on his essay. At the end of class, he walked up to her and punched her in the stomach. Mrs. Smith dropped dead of a heart attack. Crimes? Defenses?
6. Roseanne was walking home one day when she spotted a wallet lying on the ground under a park bench. The wallet contained \$400 and a Mastercard with the name JP Letterman. She went directly to Circuit City and purchased a big screen television with the \$400. Crimes? Defenses? What if she used the credit card instead?

7. What is the "Redline" rule?
8. Jill was recently jilted by Jack. The word around the neighborhood was that Jack had a new "hot babe." One night after work, Jill went out with some friends and got stinky drunk. On her way home, Jill passed by Jack's house. "She'll be hot all right!" Jill laughed to herself. She lit a role of paper towels and pushed it against the house and left. A couple of shingles blackened and then the burning ashes blew into the neighbor's tree. The neighbor's house caught fire. Fortunately, the fire department arrived before any serious damage occurred. No one was injured.
Crimes? Defenses?
9. A. Al had to be at work for an 8:00 a.m. meeting. The roads were very icy. He was fully aware of the risk involved and did not intend to cause any actions. He did not, however, reduce his speed. His car slid off the road and he killed Mrs. Jones. Crimes? Defenses?
- B. What if he was trying to get the hospital because his wife (who was also in the car) was in labor?
10. Al rents a furnished house from Bob. Al decides to steal the furniture and sell it for rent money. He breaks into the house one night, takes the furniture and sells it to Charlie. Crimes? Defenses?