

Criminal Law
Fall 2008
Final Examination
Professor Coppola

INSTRUCTIONS

This is a three hour closed book exam. It consists of two questions, each worth 35% of your grade. Legible writing is appreciated.

Have a safe and happy holiday season!

QUESTION 1

(35 Points)

Please use 1 side of blue book page only, using first 4 pages.

Smith and Jones together planned to break into the local art museum after it had closed for the evening and to steal a valuable diamond on exhibit there. They went to the house of Frank, which was attached to the museum, a security guard at the museum whom they knew, for his assistance in getting into the museum. When Frank refused to help them, Smith grabbed Frank's son, David, and holding him at gunpoint, threatened to kill him if Frank didn't cooperate. Frank reluctantly agreed. Smith told Jones aloud to wait at Frank's house with David until they returned, but then whispered to Jones to kill David after they left and meet him at the museum. Jones nodded in approval.

After Smith and Frank left, Jones pointed his gun at David to shoot him, but he couldn't go through with it. Instead he tied him up and left town with his sister, Sarah, whom he had called to pick him up in his car.

Meanwhile, Smith and Frank arrived at the museum where Frank disabled the alarm system and let them in with his pass key. Once inside, Frank led Smith to the gallery where the diamond exhibit was located and Smith took the diamond from its case. Smith then pointed his gun at Frank and told him that he was going to die just like his son had. Frank became enraged and lunged at Smith, grabbing his gun from him. He fired it at Smith, but the bullet missed Smith and struck and killed Carl, the museum curator who had been working late and had come into the gallery when he heard their voices.

Frank was stunned when he realized what he had done and Smith hit him over the head with a chair. Smith ran out of the museum and jumped into his car. As he sped away, he struck a car driven by Martin, who was killed in the accident.

What crimes have been committed and what defenses may be raised and by whom?

QUESTION 2
(35 Points)

One side of page only—use remaining 4 pages.

Charlie worked at a warehouse which stored expensive electronic equipment. Charlie told Tom, a convicted felon, about the warehouse, its layout and the security guard's break schedule. Tom and Charlie agreed that Tom would "visit" the warehouse on Wednesday after closing to steal equipment and that they would split any stolen equipment equally.

Charlie then called Art. Art owed Charlie a lot of money that Art could not repay. Charlie told Art that he had an old score to settle with Tom and that he would forgive Art's entire debt if Art burned down the warehouse with Tom inside. Charlie also told Art that if he did not agree to do it, Charlie knew where to find him and his family.

Wednesday evening after the warehouse closed, Tom climbed onto the roof of the warehouse and entered through an open skylight. After Tom entered the building, he rushed down a stairway where he confronted Sam, the security guard, who was returning early from his break. Sam was so startled by Tom that he tripped and fell down the stairs seriously injuring himself. Tom did not expect anyone to be in the building. Tom tied Sam up, dragged him down a hallway and left him inside a locked closet.

Art, who had been waiting outside the warehouse, watched Tom enter the warehouse and then followed him inside. Once inside, Art poured gasoline in the warehouse and then tried to lock Tom inside. Before Art could lock the door, Tom realized what Art was doing and attacked Art, killing him. Tom then left the building without any electronic equipment. As he left, he threw a lit match on the gasoline to destroy any evidence. Sam died in the fire.

Charlie learned that Tom was still alive and, in fear of Tom, went to stay with his brother, Ed. After Charlie told Ed everything that had happened, Ed bought Charlie a plane ticket to another state.

What crimes, if any, have been committed and what defenses, if any, are available?