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 required.

Have a safe and happy holiday season!
1. Damian, armed with an automatic rifle, entered a crowded shopping mall and began to fire at random, killing three people and wounding many others. As he fired, he shouted, “God has spoken to me. He has ordered me to rid the world of greed and immortality.” Several police officers converged upon Damian, and he pointed the rifle at himself. He pulled the trigger, but the rifle jammed and did not discharge. The police then subdued and arrested him.

At his arraignment, Damian mocked the judge, stating that his victims were all sinners against God’s law and that he answered only to God himself. Upon hearing Damian’s statements, Frederick the father of one of the victims, became enraged and knocked down a court officer, grabbed his gun from his holster, and fired it at Damian. The bullet missed Damian and instead struck Rita, the court reporter, killing her. Frederick was arrested and placed in custody.

Martha, the mother of another victim slain by Damian, later met with Guy, a guard at the jail where Damian was being held to await trial. She offered Guy $10,000 to help kill Damian. Guy planned the job with Harry, another guard who agreed to help. That night, Guy and Harry went to the cell block where Damian’s cell was located. Outside of Damian’s cell, Harry advised Guy that he was afraid, and he left abruptly. Guy then opened the door to Damian’s cell, saw Damian sleeping, entered, and placed a pillow over his face to suffocate him. Damian awoke and began to struggle with Guy. John, another guard, heard the commotion and rushed to Damian’s cell just as Damian struck Guy with his fist. John pulled out his gun and shot Damian, wounding him in the arm.

What crimes have been committed and what defenses may be raised? Please list your defendants in order.
QUESTION 2

(35 points)

Please use 1 side of blue book page only, using 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 happened, Ed bought Charlie a plane ticket to another state.

What crimes have been committed and what defenses may be raised by each party? Please answer in the following order:

a. Charlie
b. Tom
c. Art
d. Ed