Criminal Law
Fall 2009
Final Examination
Professor Coppola

INSTRUCTIONS

This is a three hour closed book exam. It consists of two essay questions and five multiple choice, totaling 70% of your grade.

Have a safe and happy holiday season!
Essay #1
25 Points

One evening Al and Fuji sat in a bar complaining about their lack of money and drugs. They had been drinking for several hours. Al said, “let’s rip off Sonny; he drives a big car and always carries a lot of money.” Fuji said, “O.K.”

They left the bar, without paying the tab, and went to the Wanamet Lounge, a nightclub frequented by Sonny. They were prepared to rob, him but he was not there. They told their friend Mickey, the bartender, about their plan to rob Sonny. Mickey, always one to enjoy a good scam, told the boys that, for 10% of whatever they got, he would tell them where Sonny was. Al and Fuji agreed, and Mickey told them that Sonny would be at his home in about 20 minutes. They took a cab to Sonny’s house, and Al paid with a phony $20 bill which Fuji had made earlier on the slick new library copier. They knocked on Sonny’s door, but no one answered. As they were looking for another way to get into the house, Judy, Sonny’s favorite gal, drove up in Sonny’s new Mercedes. Al said, “I am going to get myself a new car.” They both walked to the driver’s side of the car. Al reached in, grabbed the keys from Judy, pulled her out of the car and threw her down on the street. Fuji said to Al, “this has gone too far for me man, I am out,” then ran away.

Barbara, a neighbor, witnessed the incident, called the police, and then went outside to help Judy who had sustained minor bruises and complained of chest pains. Barbara took Judy to a hospital for treatment; however, Judy refused all treatment and medicine, as it was against her religion to treat illness or injury with anything other than prayer, so she went home to pray. She died 3 hours later from a heart attack.

The police arrested Al who was still in the car. They later arrested Fuji in another bar.

What crimes have been committed and what defenses, if any, may be asserted and by whom?

PLEASE ADDRESS EACH PARTY SEPARATELY!
Wally, Buca and Rich met at Wally’s apartment where Wally asked Buca and Rich to take part in his plan to “stick up” Biff, the owner of the Northside Lounge, after closing the following night. Buca and Rich both agreed to take part in the plan. After leaving Wally’s apartment, Rich, who had just been released from prison, and did not want to go back anytime soon, decided not to participate and left town. According to the plan, Rich stole a getaway car for the “stick up”, so he used this car to leave town.

The next night when Rich did not show up, Wally and Buca decided to proceed without him. They waited outside the Lounge and when Biff was about to lock his door, Wally pointed a knife at Biff and Buca took the bag of money containing the days cash receipts from him. Biff, an ex-marine, was not about to give in too easily. He surprised Wally, grabbed the knife and demanded the return of his money. Guido, a passerby, saw Biff with the knife and thought that Biff was trying to rob Wally and Buca. He picked up a stick and hit Biff from behind causing Biff to fall to the ground and Wally picked up the knife. Buca said to Guido “thanks pal, keep your mouth shut and here is a bundle of cash for you”. Guido noticed that there was about $500 in his hand and decided that he would go home and pay his rent with the money.

Wally and Buca then jumped into a motorist’s car, which was stopped at a red light. With Wally behind the wheel, the motorist was forced to sit between him and Buca. While attempting to escape, the motorist was wounded in the side by the knife which was in Buca’s hand. The sudden motion caused Wally to lose control of the speeding car which struck and killed Jimmy, a pedestrian. Wally and Buca sped away to a local quarry which was full of water making it a popular place to get rid of unwanted vehicles. Together they pushed the car into the water and went to a nearby condominium owned by his sister Diane. All they told her was that they stole Biff’s money and they needed a place to hide out for a few days and Diane agreed.

Meanwhile, Biff had been taken to the hospital suffering from a fractured skull. Doctor Phil performed emergency surgery, however, he was somewhat inebriated from an all night party so he messed up the operation and Biff died.

What crimes have been committed and what defenses, if any, may be asserted and by whom?

PLEASE ADDRESS EACH PARTY SEPARATELY!
Multiple Choice Section
3 Points Each
Circle The Correct Letter Answer

1. Doris wanted to have dinner with her friend at their favorite restaurant, located about a mile from her home, in downtown Anywhere. Doris did not have a license to drive and, since there was no public transportation available for her to get to the restaurant, she needed to find some other means of transportation. As luck would have it, she noticed that her neighbor had left his bicycle unlocked and unattended in the front yard of his home. Doris decided to take the bicycle to the restaurant and leave it there because her friend was going to give her a ride home. She took the bike and, after driving half way to the restaurant, she was hit by a van that had illegally driven through a stop sign. The bicycle was destroyed in the collision. Doris is charged with larceny of the bicycle. She will most likely be found:

(A) Not guilty, because she did not ride the bicycle far enough from where she took it.

(B) Not guilty, because what she planned to do with the bicycle did not create a substantial risk of permanent loss.

(C) Guilty, because she never intended to return the bicycle to her neighbors home.

(D) Guilty, because her neighbor has suffered the permanent loss of the bicycle.

2. Able was a peace loving man who believed that one should never use violence even when facing mortal danger. One night, while Able’s wife was at a friend’s house playing bridge, he decided to discard the loaded gun that she kept by the side of her bed. On his way to the front door, he was surprised by Baker who had just broken into the home with a knife in his hand. Baker told Able to hand him the gun, which Able did, even though he could have easily killed Baker with his wife’s gun. Baker then, not only robbed Able, but stabbed him in the stomach as well. A short time later, Able’s wife Doris came home. Able asked her to call a doctor but, after he had told her all that had happened, she decided that he was so stupid that he did not deserve help and she refused to call a doctor. As a result, Able bled to death one hour later. An autopsy revealed that, had he received prompt medical attention, he would have lived.
Doris is charged with manslaughter and Baker is charged with the murder of Able. Which of the following statements is correct?

(A) Neither Baker nor Doris is guilty.

(B) Only Doris is guilty.

(C) Only Baker is guilty.

(D) Both Baker and Doris are guilty.

3. Able overheard that Baker was suffering from an incurable blood disease. He told Baker that he could cure him by subjecting his body to a special organic treatment, and charged him $5,000 for six treatments, which had no affect on the disease. Able is charged with false pretenses. Each of the following, if true, will absolve Able of guilt for false pretenses except:

(A) Baker was an undercover police officer and did not believe the treatment would cure the disease.

(B) Baker honestly believed that the treatment would cure the disease but his belief was unreasonable.

(C) Able honestly believed that the treatment would cure the disease, but his belief was unreasonable.

(D) Able was playing a practical joke on Baker and intended to return the money.

4. Able, a long time resident of Anytown, USA strongly believed that he was the victim of deliberate persecution by the Anytown Police Department. Able had recently been suffering from depression as a result of being unemployed and recently divorced. Able had every reason to know that his belief was irrational because he had always been a strong law and order man, however, he could not help believing that the police were out to get him. One day he entered the local police station and killed 3 patrolmen and wounded the desk sergeant.
Able will be successful in raising the insanity defense to a charge of murder if the jurisdiction followed the:

(A) The Model Code.

(B) The Durham Rule.

(C) M'Naghten Rule.

(D) The Doctrine of Self Defense.

5. Charlie was driving his car one day at the legal speed limit when a man on a bicycle suddenly darted in front of him and was hit by Charlie’s car. The man was killed. When the police asked Charlie for his license and registration it turned out that his license had been suspended for driving under the influence of alcohol. Driving a vehicle while your license is suspended is a misdemeanor in this jurisdiction, therefore, Charlie was arrested at the scene for this crime. When given a chemical analysis test at the station, the result showed that Charlie had no alcohol in his system. At his arrangement for driving without a license, an additional charge of manslaughter was brought against him.

On a charge of manslaughter, Charlie most likely will be found:

(A) Not guilty, because he did not intend to hit the man on the bicycle.

(B) Not guilty, because the misdemeanor he was charged with was not the proximate cause of the death.

(C) Guilty, under the misdemeanor-manslaughter rule.

(D) Guilty, because the reason his license was suspended was to protect the public from drivers like Charlie.