

MASSACHUSETTS SCHOOL OF LAW

CRIMINAL LAW  
FINAL EXAM FALL 2008

PROFESSORS COYNE/PULLER

SS#: \_\_\_\_\_

*Hunger makes a thief of anyone.*

Pearl S. Buck

Use your social security number on the exam and blue book. Write legibly and coherently. You may have nothing on your person, or at, or near your desk area other than a writing instrument. Your knowledge of the law, ability to analyze the issues and your treatment of the issues will form the basis for your grade.

Please take the time to think about and organize your answer. Please do not just define the issue of law, but think about how it applies to the facts and what the ramifications of your conclusion are. Please limit your answer to six pages and write on only one side of each page.

---

**QUESTION ONE**

James and Faith were married in 1998. They had their ups and downs but with counseling were able to survive some serious issues. James came home about 6 months ago very drunk and punched Faith in the face. He then forced her to perform oral sex on him. Their counselor has told James that he has serious anger management issues bordering on a personality disorder and gave him prescriptions for mood suppressants and anxiety disorder medicine. The counselor told James that he could not consume alcohol while on the medicines without suffering a very serious reaction.

On their tenth anniversary, James and Faith went out to eat at The Mad Cow, a nearby steakhouse. While dining at The Mad Cow, James and Faith began to quarrel. In anger, Faith told James that she was having an affair with another man and was 3 months pregnant with his child. Shocked and enraged, James struck Faith on the

head with the wine bottle from their table, killing her. James then fled from the restaurant to his brother Adam's house. James told Adam what had happened and Adam gave his car and some money to James, who then left in the car.

As James was driving away, he was stopped by a police officer for erratic driving. The police officer recognized James from an "all points bulletin" that had been issued, arrested him and brought him to the police station for booking.

Frank, Faith's father, learned of his daughter's death and took a cab to the police station. He was in such a rush to get inside, Frank forgot to pay the cabdriver who saw a handgun in Frank's hand. Upon seeing James inside the police station, Frank drew his gun and fired it at James. He missed James but instead hit Doreen, a police officer, killing her and Alfred, a K9 drug-sniffing dog. The police took Frank into custody.

The judge held James and Frank without bail at the county house of correction. There, Frank approached Jason, a correctional officer, and offered to pay him \$50,000 to kill James. Jason agreed and later asked Ed, another officer, to help him by acting as a lookout, and Ed agreed to participate for half the payment. The following night, Jason and Ed went to James's cellblock where, outside of James's cell, Ed told Jason that he could not go through with it and left. Alone, Jason entered James's cell with a knife in hand. As he tried to stab James, James woke up and began to struggle with Jason, eventually taking the knife from him. Gloria, another officer, heard the commotion and rushed to James's cell where she saw James standing over Jason with the knife in his hand. Gloria drew her revolver and shot James in the shoulder. James later recovered from his wound.

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

**QUESTION TWO**

Bill Bucks operates Headz Zup at downtown crossing in Boston. Headz Zup is a small head shop that sells water pipes, papers, cigars and cigarettes. He has been operating his store for several years with his partner, Shane Shayla. Tommy Chong owns a small farm next door to a cattle farm in Andover and lives next door to Bucks. Chong grows marijuana on his farm, which he sells to Bucks so that Bucks can distribute the drug in Boston. Bucks sells the marijuana in nickel and dime bags. He buys the baggies for the pot at Demoulas Supermarket.

Over the years, the police have received numerous complaints about Mr. Bucks' activities at Headz Zup including his alleged practice of selling tobacco products and drug paraphernalia to children and minors. The police recruited Dan Ray, a 14-year old (who looks much older) to buy a pack of cigars from Bucks. The police gave Dan a marked \$20 bill. Dan entered Bucks' store. Bucks knew Dan, locked the door, and pulled a baseball bat from behind the counter. He told Dan that he was onto his scam and "I'll let you have it with this bat if you think you can jam me up". He demanded the \$20 that Dan had in his hand while pushing him with the bat up against the wall. Dan said, "Look, you don't have to do this, you can have the \$20 it's my gift to you, Merry Christmas."

Bucks was stunned by Dan's generosity and said 'I'm sorry Dan, here's a dime bag of pot for your troubles". In response, Dan said, "throw in that sweet water pipe and I won't ever tell anyone anything about you, even about the sex we had". With that Bucks grabbed the water pipe from the shelf, handed it to Dan, unlocked the door, and wished Dan well as Dan disappeared into the black of a cold winter night

Please fully define each concept listed below and after fully defining the concept explain how that concept applies to Question 2.

Defenses to the Commission of a Crime: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

---

---

---

Specific Intent Crimes: \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

Conspiracy: \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

---

---



---

---

---

Kidnapping and False Imprisonment: \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

Self-Defense and Imperfect Self-Defense: \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

Insanity Defenses: \_\_\_\_\_

---

---

---

---

---

---

Burglary: \_\_\_\_\_

R:\My Files\CrimProcedure\CrimLawFinal.F2008.doc