This exam is lengthy. Please budget your time accordingly. Use the IRAAC formula where it is appropriate. Identify yourself by social security number only, Relax and good luck.

INSTRUCTIONS BY SECTION:

SECTION I: SHORT ANSWER
40 POINTS
Answer ALL eight questions. Be concise. You may, if you wish, use outline form to answer but do not neglect to discuss the key points and conclude.

SECTION II: HYPOTHETICAL
40 POINTS
Follow the fact pattern and use IRAAC. Be sure to isolate the parties, crimes and defenses.

SECTION III: ESSAY
20 POINTS
Answer ONE of the three essay questions.
SECTION I

1. A statute in the State of Confusion, the fifty-first state in the Union, reads as follows:

   "Any person who knowingly possesses a forged liquor identification card shall be punished by a fine of not more than one-thousand dollars or by imprisonment in the county jail for not more than one year or both."

   Please describe the elements of the statute and classify the crime as a felony or misdemeanor.

2. Bill, Chuck and Raymond were friends who went out together for an evening of hijinx and drinking. At evening’s end all were highly intoxicated. As the three walked home, Bill and Chuck thought they would have some fun with Raymond. They dragged Raymond into a fountain in the park and stood him on his head, wedging his feet under the arm of an ornamental mermaid. Bill and Chuck left Raymond struggling and went home to “sleep it off”. Raymond drowned. Bill and Chuck were charged with “Murder”.

   What if anything may Bill and Chuck be convicted of? On what theories?

3. Tolk, who disliked Lewis, stood outside Lewis’ home. When Tolk saw Lewis pass by the picture window he picked up a stone and tossed it towards the window. Shards of glass from the broken window struck Lewis. The stone itself missed Lewis, as Tolk intended but stuck Lewis’ sister, Joy.

   What if any crimes have been committed? Please explain.

4. Oscar spent the evening with Gertrude. Upon their return to Oscar’s place for a nightcap, Oscar punched Gertrude and dragged her to his bedroom. As Gertrude lay unconscious on the bed Oscar inserted his penis into Gertrude’s vagina and then passed out from drink. Gertrude had died from a preexisting neurological condition unrelated to the events by the time of the intercourse.

   What, if any, crimes has Oscar committed?
5. Goliath, an ardent Red Sox fan, went to David’s home at 9:30 P.M. on a warm summer night. He had been invited there for a late dinner. Goliath looked into the detached garage and saw a vintage Ted Williams autographed photo hanging on the wall. Though famished, Goliath was overcome. He opened a window in the garage and reached in with a rake he had picked up outside on the grass. Using the rake, Goliath lifted the photo from the hanger. At that moment David came out of the front door and Goliath abandoned his endeavor. He put the photo down and joined David, enjoying a sumptuous meal. Goliath, suffering the pangs of guilt, told David what he had done. David forgave Goliath and made a gift of the photo to him.

What crimes have been committed by Goliath and what issues are raised?

6. a. Winslow and Georgia were antique dealers. Winslow obtained a rifle at auction which had all the appearances of a genuine American Revolutionary War firearm.

1. Suppose Winslow discovered the rifle to be a replica, not genuine, and he told Georgia that a Smithsonian Institute expert vouched for its authenticity. As a result of the conversation, Georgia gave Winslow $10,000 and Winslow signed a bill of sale, transferring the gun.
   What, if any, crime has been committed?

2. What if at the time of the transaction Winslow actually believed the rifle to be genuine and only following the transaction learned the firearm was a “knock off”? What, if any crime, has been committed?

3. Suppose Georgia told Winslow at the time of the transaction that she wanted to take the rifle to an appraiser she had contacted before payment was made. Winslow gave Georgia the rifle and she absconded with it as she intended. The appraiser did not exist. What, if any, crime has Georgia committed?

b. 1. Paul Proprietor owns a dress shop. Mrs. Bigbucks purchased a dress from the shop which was held there for alteration. Bigbucks gave Everett Employee, the manager, the $250 price. Everett gave Bigbucks the dress but pocketed the money. Has Everett committed a crime?
2. Suppose Everett was given the dress by Paul to deliver to Bigbucks. Everett liked the look of it and wore it to a party, where he accidentally spilled red wine on it ruining it. Has Everett committed a crime?

7. Jasper suffers from mental illness. He believes that bespectacled, bearded men are actually space aliens bent upon world domination. Jasper encounters such a person as he walks down the street and promptly stabs his “suitably astonished victim”.

What are the standards for the presumed insanity defense which Jasper will raise?

8. Superman comes upon a fight in progress. Lois is slamming Jimmy’s head into the pavement in front of the Daily Planet Building. Superman intercedes by grabbing Lois by the arm and throwing her against the wall. As a matter of fact, Lois was attacked by Jimmy who attempted to forcibly take her purse. Superman is prosecuted for assault and battery upon Lois. You represent the “Man of Steel”. What is your defense?
SECTION II

Gray, Yeats, Joyce and Beckett worked in dangerous and difficult menial jobs at the Widget, Inc. factory. One day at lunch in the plant Wordsworth, Yeats, Joyce and Beckett dined together. Wordsworth suggested that Yeats, Beckett and Joyce should “get rid of Caligula”. Caligula was the plant manager. Wordsworth then left the table.

The theme was picked up. Yeats stated that Wordsworth was right. The three decided to put a plan together. They met later at the Bee’s Knees, a pub across the street. Yeats agreed to get a knife. Joyce agreed to drive his car to work on the following day. Beckett agreed to occupy Eva, Caligula’s secretary.

Yeats obtained the knife from his girlfriend, Wanda, whom he told the entire plan. She gave him her largest butcher knife and said “good luck”.

The following day, as planned, Beckett went to Caligula’s office and chatted up Eva. While the two were in conversation Yeats burst into the office. Yeats exclaimed “lets kill him” as he ran into Caligula’s inner office.

Eva hated Caligula and, appreciating what was happening, followed Yeats into Caligula’s office. Eva stood by, grinning. Yeats screamed “prepare to meet your Maker, Cal!”. Caligula, who had been gleefully writing pink slips, stood, aghast. As Yeats approached, waving the knife, Caligula dropped dead of a heart attack.

Eva, reluctantly, called 9-1-1. Yeats ran out of the building and joined Joyce and Gray in Joyce’s car. Joyce was driving. Yeats told Joyce to stop the car a few minutes after the ride began. Joyce stopped the car in front of Richard’s house. As dusk fell, Yeats jumped out of the car and ran to the front door, pushed it open and went inside the house to use the restroom. Once inside the house Yeats decided to grab the makings of a sandwich. Richard came into the kitchen, and upon seeing Yeats, shot him in the chest severely wounding him as he spread the Miracle Whip.

Gray and Joyce drove away upon hearing the commotion. Gray, short of cash, suggested that the two “knock off” the First Fun Bank which was just down the street. Gray and Joyce entered the bank. Gray saw Victor, his ex-wife’s current husband, writing out a deposit slip. Gray approached Victor and punched him in the nose. Victor fell and unfortunately struck his head on a stone Santa Clause. He died as a result.

Joyce approached the teller, Trembler. Joyce put his hand in his pocket, feigning a firearm, and said “give me your dough”. In fact, Joyce felt the bank owed him the money for bad investment advice on a certificate of deposit.

Trembler was not impressed. He was not the least bit frightened. However, in accordance with First Fun policy Trembler gave Joyce $3,700. Joyce returned $700, since he only lost $3,000 in the C.D.

Joyce and Gray fled. The police were called and Officer Oscar responded and took up pursuit. He pulled his gun and fired at the vehicle, missing it. The bullet struck and killed Father Brown as he returned to the rectory following a late service.

Joyce drove to his mother’s home. Her name was Mim. Mim hid Gray and Joyce in the cellar. Mim denied seeing the two when Officer Oscar knocked at the door. Oscar
searched and when he arrived at the cellar Joyce opened the door. Oscar shot Joyce in the shoulder. Joyce then strangled Oscar killing him.

Wordsworth, it turns out, was an undercover Federal agent investigating Caligula for embezzlement.

What, if any, crimes were committed and by whom? What defenses are presented?

SECTION III

PICK ONE AND ANSWER.

A. Describe homicide, including the definitions applicable and the degrees and variations of both common law and statutory offenses.

B. Discuss causation in detail.

C. Outline the special defenses, including the following: public authority, domestic authority, prevention of crime, self defense, defense of others, defense of habitation, defense of property and entrapment.