

CRIMINAL LAW

1. One evening Able, with his dog Charlie, was passing by a local delicatessen which had closed for the night. He picked up a large rock and heaved it through a plate glass window. He then sent in Charlie to retrieve and bring out a large salami. Able can properly be found guilty of:
 - A. larceny
 - B. burglary
 - C. larceny and burglary
 - D. none of the above

2. Able offered to give Becky a ride home one evening. He told her that he needed to pick up something at his house on the way and she agreed. Once at his house, Able, as he had planned, forced her to have sex with him over her objection. Able can properly be found guilty of:
 - A. rape
 - B. kidnapping
 - C. rape and kidnapping
 - D. rape, kidnapping and false pretenses

3. Able went out one night with the intent to kill Baker. Although he wasn't sure where to find him, he had heard that Baker was working at a local restaurant. Able went to the alley behind the restaurant hoping to get Baker as he came out the employees entrance. Able shot at a shadow that he hoped was Baker and left, confident that he had gotten his man. Able's bullet went through a cat that had cast the shadow, ricocheted off a wall and through the window of Charlie's apartment, seriously wounding Charlie. Able can properly be convicted of:
 - A. attempt to kill Baker
 - B. attempt to kill Charlie
 - C. cruelty to animals
 - D. none of the above

4. Ables best defense to attempt in the above scenario is:
 - A. factual impossibility
 - B. legal impossibility
 - C. He didn't know where Baker was.
 - D. He didn't intend to kill Charlie.

5. The prosecution's best argument is:
 - A. His intent to kill was transferred.
 - B. Factual impossibility is no defense to attempt.
 - C. He was in perpetration of the crime
 - D. Mistake of fact is no defense to an attempt.

6. One day Able saw a pawn ticket on his brother Andy's bureau. Curiosity got the best of him so he took the ticket to the

pawn shop and retrieved a rolex watch using his own I.D. which had the same initials as his brother. He took the watch to Charlie's Jewelry shop and sold it for \$2,000.00 dollars. With regard to the pawn ticket, what crime?

- A. larceny
 - B. larceny by false pretenses
 - C. embezzlement
 - D. larceny by trick
7. With regard to the rolex watch, what crime?
- A. larceny
 - B. larceny by false pretenses
 - C. embezzlement
 - D. larceny by trick
8. With regard to the money, what crime?
- A. larceny
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9. Able wanted a divorce from Becky but she was making it difficult for him so he hit upon a plan to have his friend Baker slip into their bed at night and force himself upon Becky. He would then catch them in the act and sue for adultery. Baker agreed to this request and followed through with the plan. Able and Baker are arrested. Able is guilty of:
- A. rape
 - B. rape and solicitation
 - C. rape, and conspiracy
 - D. rape, solicitation and conspiracy
10. If the evidence showed that Becky thought it was her husband and she willingly had relations with him, Baker is guilty of:
- A. rape only
 - B. conspiracy only
 - C. rape and conspiracy
 - D. none of the above
11. Able was at Baker's house one night and Baker lit up a pipe full of marijuana out of a bag containing a large amount. Baker offered Able some but Able, who was a born again Christian, got angry at Baker and began to expound the evils of drugs and alcohol to Baker. After a while, the two decided to go out for a bite to eat. When they reached the driveway, Able told Baker that he had to go to the bathroom. Able went back into the home and, once in there, he took Baker's bag of marijuana and as he had planned to do, he flushed it down the toilet. Able has committed the following crime:
- A. burglary
 - B. larceny
 - C. burglary and larceny
 - D. none of the above

Short Answer Questions (5 points each)

Answer the following questions using approximately 1/2 of a page per answer. Be sure to answer the question fully; discuss crimes and defenses (where applicable).

1. (2 parts)

a. Al shot Bob in the leg intentionally. While in the hospital, Bob required a blood transfusion. The blood was contaminated with a rare deadly virus. Al died one week later.

b. Al shot Bob in the leg intentionally. While Bob was on the operating table, the doctor recognized Bob as the man who had recently been acquitted in a trial for the rape of the doctor's daughter. The doctor doubled Bob's dosage of anesthesia, and Bob died.

2. Under common law, can a woman be convicted for the rape of another woman? Explain.

3. Al borrowed Bob's snow blower last year and never returned it. When it snowed this past Saturday, Bob was irate, to say the least! That night, knowing that Al was out for the evening, Bob went to Al's house to get that snow blower even if it meant that he had to steal it back. The side door to the garage was unlocked. To get the snow blower out, Bob had to break the lock on the garage door. Discuss.

4. Sam had a crush on Diane, but she would not have anything to do with him. Sam became frustrated and angry with Diane's repeated brush offs. One night, Sam broke into Diane's apartment to "make her see the light" with his sexual advances. Sam jumped into Diane's bed and forced the woman to have sexual intercourse with him. Unbeknownst to Sam, he had broken into Rebecca's apartment. What crime(s) against Diane? Rebecca? Defenses? Explain.

5. Charlie was angry with his high school teacher for giving him an "F" on his essay. At the end of class, he walked up to her and punched her in the stomach. Mrs. Smith dropped dead of a heart attack. Crimes? Defenses?

6. Roseanne was walking home one day when she spotted a wallet lying on the ground under a park bench. The wallet contained \$400 and a Mastercard with the name JP Letterman. She went directly to Circuit City and purchased a big screen television with the \$400. Crimes? Defenses? What if she used the credit card instead?

7. What is the "Redline" rule?

8. Jill was recently jilted by Jack. The word around the neighborhood was that Jack had a new "hot babe." One night after work, Jill went out with some friends and got stinky drunk. On her way home, Jill passed by Jack's house. "She'll be hot all right!" Jill laughed to herself. She lit a role of paper towels and pushed it against the house and left. A couple of shingles blackened and then the burning ashes blew into the neighbor's tree. The neighbor's house caught fire. Fortunately, the fire department arrived before any serious damage occurred. No one was injured.

Crimes? Defenses?

9. A. Al had to be at work for an 8:00 a.m. meeting. The roads were very icy. He was fully aware of the risk involved and did not intend to cause any actions. He did not, however, reduce his speed. His car slid off the road and he killed Mrs. Jones. Crimes? Defenses?

B. What if he was trying to get the hospital because his wife (who was also in the car) was in labor?

10. Al rents a furnished house from Bob. Al decides to steal the furniture and sell it for rent money. He breaks into the house one night, takes the furniture and sells it to Charlie. Crimes? Defenses?

ESSAY
(20 points)

A Fictional Epilogue to the O.J. Case

It had been months since O.J. was acquitted for the murders of Ron and Nicole. Needless to say, Ron's father, Mr. Goldman was beside himself. He firmly believed that O.J. was responsible for the death of his son. His anger turned to rage. He decided that he would have to take matters into his own hands. He decided that O.J. would pay.

Goldman was not a fool, however. He knew that the police and the media would finger him as the prime suspect. He decided to get someone to do the "dirty deed" for him. Goldman called Al and Bob and met with them in a local bar. Goldman told them that he would pay them \$500,000 if they would kill O.J. Al immediately said yes and Bob nodded his head. Goldman took out a floor plan of O.J.'s house and Al and Goldman discussed all of the plans. Goldman instructed them to go to O.J.'s house the next night and stab him while he was sleeping in his bedroom. They were to leave a bag of cocaine in the house to make it look drug related. Bob just sat back and listened. He really did not want to get involved in this plan, but he did not say anything.

Al and Bob went to O.J.'s house the next night as instructed. Al told Bob to wait outside and act as a "look out." The French doors on the back terrace were closed but unlocked. Bob turned the handle and went inside. Having committed the floor plan to memory, he proceeded upstairs to what he thought was O.J.'s bedroom.

Meanwhile, Bob stood outside and was getting very nervous. The thought of ever going back to prison made him sick to his stomach. And then-- Bob saw the police cruiser coming slowly down the street toward O.J.'s house. That was all he could take. Bob ran home and never looked back.

Meanwhile, Al entered what he thought was O.J.'s bedroom. In the shadow, he could see the shape of a body under the covers. "Wow!" he thought to himself, "The

Juice looks a lot smaller in person!" According to the original plan, Al was supposed to stab O.J. Al, however, decided earlier that day that stabbing was too messy.

Unbeknownst to Goldman and Bob, he decided to shoot O.J. instead. Al took out his Glock and fired at the sleeping body. He pulled back the covers to view his handy work, and to his surprise, the person in the bed was Kato.

Al ran from the bedroom and down the front stairs. Right next to the front door, Al spotted a shiny new set of golf clubs. He grabbed the clubs and took off in his car. As he was speeding down the street, Al struck a pedestrian walking his dog. The pedestrian survived, but the dog died. The pedestrian pulled out a gun and shot Al in the shoulder. The wound was not life threatening.

Kato died that evening in the hospital. An autopsy showed that Kato had large doses of sleeping pills in his system. An empty bottle and a suicide note were found beside his bed. Apparently he had been distraught over his acting career (or lack thereof).

Meanwhile, Faye needed some good juicy material for the book she was working on about O.J. She planned to break into O.J.'s house and do a little snooping. Coincidentally, she showed up just after Al left. The front door was wide open and Faye walked into the house. To her delight, Faye found the bag of cocaine that Al dropped on the stairs when he was making his quick exit. Faye took the cocaine and left the premises.

DISCUSS ALL CRIMES AND DEFENSES.

HAPPY HOLIDAYS!!

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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?

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.

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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

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!

Essay 2
30 Points

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?

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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 effect 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 arraignment 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.

**CRIMINAL LAW
FALL 2010
FINAL EXAMINATION
PROFESSOR COPPOLA**

INSTRUCTIONS

This is a three hour closed book exam. It consists of two essay questions and five multiple choice questions, totaling 70% of your grade. List your ID number on both your bluebook and the exam sheet. Lastly, list your section as **M/W** or **T/TH** on the bluebook.

Multiple Questions (3 points each)

- Circle the correct answer on the exam sheet provided.

Essay Questions (totaling 55 points)

- Identify what crimes have been committed and what defenses may be raised.
- List your defendants in order.
- Use one blue book only.
- No scrap books allowed.
- Write on one side of the page only.
- Legible writing is required.

Good Luck!

Happy Holidays!

MULTIPLE CHOICE (3 POINTS EACH)

1. A state statute divides murder into degrees. First degree murder is defined as murder with premeditation and deliberation or a homicide in the commission of arson, rape, robbery, burglary or kidnapping. Second degree murder is all other murder at common law.

In which of the following situations is Defendant most likely to be guilty of first degree murder?

- a. Defendant, highly intoxicated, discovers a revolver on a table. He picks it up, points it at Salerno, and pulls the trigger. The gun discharges, and Salerno is killed.
 - b. Immediately after being insulted by Milano, Defendant takes a knife and stabs and kills Milano.
 - c. Angered over having been struck by Romano, Defendant buys rat poison and puts it in Romano's coffee. Romano drinks the coffee and dies as a result.
 - d. Intending to injure Palermo, Defendant lies in wait and, as Palermo comes by, Defendant strikes him with a broom handle. As a result of the blow, Palermo dies.
2. Driving down a dark road, Michelangelo accidentally ran over DaVinci. Michelangelo stopped and found that DaVinci was dead.

Michelangelo, fearing that he might be held responsible, took DaVinci's wallet, which contained a substantial amount of money. He removed the identification papers and put the wallet back into DaVinci's pocket. Michelangelo is not guilty of:

- a. Robbery, because he did not take anything of monetary value.
 - b. Robbery, because he did not take the papers by means of force or putting in fear.
 - c. Larceny, because he did not take anything from a living victim.
 - d. Larceny, because he took the papers only to prevent identification and not for his own use.
3. Scorsese had a heart ailment so serious that his doctors had concluded that only a heart transplant could save his life. They therefore arranged to have him flown to Venice to have the operation performed by the famous heart surgeon, Dr. Coppola.

Fellini, Scorsese's nephew, who stood to inherit from him, poisoned him. The poison produced a reaction which required postponing the journey. The plane on which Scorsese was to have flown crashed, and all aboard were killed. By the

following day, Scorsese's heart was so weakened by the effects of the poison that he suffered a heart attack and died. If charged with criminal homicide, Fellini should be found:

- a. Not guilty, because the deceased was already suffering from a fatal illness.
 - b. Not guilty, because his act did not hasten the deceased's death, but instead prolonged it by one day.
 - c. Not guilty, because the poison was not the sole cause of death.
 - d. Guilty.
4. In which of the following situations is Defendant most likely to be guilty of common-law murder?
- a. During an argument, Pacino slaps Defendant. Angered, Defendant responds by shooting and killing Pacino.
 - b. Using his fist, Defendant punches Pesce in the face. As a result of the blow, Pesce falls and hits his head on the concrete curb, suffers a concussion, and dies.
 - c. Defendant drives his car through a red light and strikes and kills Brando, a pedestrian who is crossing the street.
 - d. Angered because his neighbor is having a noisy party, Defendant fires a rifle into the neighbor's house. The bullet strikes and kills a guest, DeNiro, at the party.
5. In which of the following situations is Defendant's claim of intoxication most likely to result in this being found not guilty?
- a. Defendant is charged with manslaughter for the death of Pavarotti, resulting from an automobile accident. Defendant, the driver, claims he was so drunk he was unable to see the other car involved in the accident.
 - b. Defendant is charged with the armed robbery of Carreras. He claims he was so drunk he did not know if the gun was loaded.
 - c. Defendant is charged with selling adulterated milk to Bocelli. Defendant claims he was so drunk he had not realized that the milk was spoiled.
 - d. Defendant is charged with assault with intent to kill Domingo, as a result of his wounding Domingo by shooting him. Defendant claims he was so drunk he did not realize anyone else was around when he fired the gun.

ESSAY 1 (30 POINTS)

One afternoon, Vinnie was visiting his buddy Paisano's house when their mutual acquaintance Guido stopped by and asked for their help. It turns out that Guido, the night before, had robbed, at gunpoint, a pedestrian of \$5,000. Guido did not know it at the time, however, that the pedestrian was a money runner for the area's biggest, and most dangerous, mafia chieftan, Gagooza. Guido learned that Gagooza had already offered a large reward for the body, dead or alive, of the robber. Vinnie and Paisano agreed to hide Guido out until things could be squared with Gagooza.

A few evenings later, Vinnie went out to get some linguine and clam sauce. When he returned, he saw Paisano and Guido in the garage. Guido was begging Paisano not to give him up to Gagooza. Paisano then struck Guido on the head with a six pound bocci ball which caused a severe bruise on Guido's head and rendered him unconscious. Paisano looked at Vinnie and said "this will square our gambling debts with Gagooza, are you in?", to which Vinnie replied "ok". Vinnie and Paisano then placed the still breathing Guido in the trunk of Vinnie's car.

The two of them both drove to Gagooza's Northside Lounge and informed Gagooza that Guido was the robber and that they had him in the trunk of Vinnie's car. Gagooza gave them the reward and asked to borrow Vinnie's car for about an hour. Vinnie gave him the keys. Before leaving, Gagooza asked if Guido was dead or alive. Paisano responded that he did not know but he could not care less because he had heard that Gagooza was going to pay either way. Gagooza said it really did not matter.

Gagooza returned about an hour later and gave the keys back to Vinnie. Before driving off, Vinnie and Paisano checked the trunk of the car and saw that it was empty. They did not notice the spent shell cartridges, blood stains, and an odor of gasoline.

The next day, Vinnie and Paisano heard that the police found an unidentified body in the remains of a fire which destroyed the home of Luciano, Gagooza's chief mafia rival, who had been vacationing at the time.

The body was subsequently identified as Guido's and the medical examiner stated that, in his opinion, Guido had died from a blow to the head before he had been shot and burned.

As a result of a witness identifying Vinnie's auto near Luciano's house on the night of the fire, police arrested Vinnie and Paisano at Vinnie's mom's house where they had been hiding out. Vinnie's mom, Clemenzia, had been informed by the boys of Guido's robbery and she was asked by them to hold on to the money that Guido had stolen. She decided to hold on to it in case it was needed for bail money.

What crimes have been committed by whom and what defenses if any, may be raised? Please use Common Law.

ESSAY 2 (25 POINTS)

Pasquale, Vito and Tessio needed money to pay off their gambling debts to Gagooza, the local bookie. They came up with the idea to abduct Lucia, a resident student at the Sister Annunciata Boarding School for Girls. Lucia was the daughter of Luciano, a wealthy olive oil importer and enemy of Gagooza. Pasquale insisted that Lucia not be harmed in any way because he knew of Vito's violent past and the fact that Vito had once before been convicted of rape.

According to the plan, Tessio stole a car. Vito broke into the Sons of Italy Club after hours one night and stole three shot guns that the members used for target practice and then he set fire to the building so as to leave no evidence. Unknown to Vito, however, Carmine the janitor was asleep in a back room that he used as a temporary residence. Carmine was later found dead by firemen when the blaze was extinguished.

The following evening, Tessio drove to the school to wait for Pasquale and Vito. While waiting, he got cold feet and sped away before they arrived. When Pasquale and Vito arrived, they saw Tessio driving away and decided to proceed without him. They entered Lucia's room through an open window, bound and gagged the sleeping Lucia, blindfolded her and took her to a rented third floor room and called Luciano and made a ransom demand. Luciano immediately suspected Gagooza and he sent his man Lucca to seek out and kill Gagooza if he did not get his daughter back alive.

Several days later, Pasquale left Vito to watch Lucia while he went out for pizza. While Pasquale was gone, Vito attacked and raped Lucia and then left her alone, bound and gagged in the room. Lucia managed to get herself free. She was so distraught over being raped that she hanged herself with the rope that had bound her.

Pasquale and Vito returned to the room and found Lucia dead. Vito admitted the rape to Pasquale. In a fit of anger, Pasquale struck Vito on the head with a chair, leaving Vito bleeding and unconscious. Pasquale, fearful of Luciano's reaction when he found out that his daughter was dead, went to his sister Carmella's house and, after he told her what had happened, she gave him money to buy an airline ticket to Palermo, Sicily.

Meanwhile, construction men working in the street outside of the rented room, where Lucia and Vito were, negligently struck a gas pipe causing a spark to ignite and explode the building, killing all of the occupants including Vito.

It was Gagooza's lucky day, however, because just as Lucca was about to pull the trigger of a shotgun aimed at Gagooza's chest, Tessio arrived at the scene and confessed that Gagooza had nothing to do with the abduction of Lucia and that Pasquale and Vito had committed the act.

What crimes have been committed by whom and what defenses if any, may be raised? Please use Common Law.