YOUR STUDENT ID NUMBER: __ __ __ __ __

Fall 2022

CRIMINAL LAW MID-TERM EXAM

Professor Rodriguez

EXAMSOFT PASSWORD: n7ah8tsc

DURING THIS EXAM YOU ARE NOT TO HAVE ANY OTHER DOCUMENT OR A CELL PHONE OR ANY OTHER DEVICE THAT CAN TRANSMIT AND/OR RETAIN INFORMATION. POSSESSION OF THE ABOVE IS A VIOLATION OF THE HONOR CODE AND WILL BE DEALT WITH ACCORDINGLY.

INSTRUCTIONS:

1. Do not use your own scrap paper. Instead, take one blue book, **mark it with the word "Scrap" and your student ID #,** and use that as your scrap paper. At the end of the exam **turn in your scrap blue book with your exam packet**.

2. Your **ANSWERS TO THIS EXAM MUST BE WRITTEN DIRECTLY IN THIS EXAM PACKET**, **unless** you are typing your answers in Examsoft which in that case please write the word "typed" at the top of your exam. At the end of the exam everyone must turn in their exam packet.

3. Do not identify yourself in the exam packet or in Examsoft in any way other than by student ID. Do not write any information that might reveal who you are.

4. This is a closed-book examination. Other than writing implements, you are not to have any materials on your table or at your feet. Place all books, knapsacks, briefcases, etc. at the side or front of the room. You are also not permitted to have any articles of clothing hung around the back of your chair.

5. This exam consists of **3 directed**, **short answer questions** for a **total value of 120 Points** and will account for **a percentage- of your semester grade.**

Question # 1 is worth 35 points
Question # 2 is worth 25 points
Question # 3 is worth 60 points

6. The total time for the exam is **one hour and twenty minutes**.

I will give a **15-minute** warning at which point no one may leave the room until the exam ends.

I will also warn you when there are **5 minutes** left and **1-minute** left. When I call time, you are to stop writing immediately.

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

PART ONE – DIRECTED, SHORT-ANSWER QUESTIONS

Part One consists of three questions in the form of hypotheticals, each of which describes a situation from which a particular criminal charge is likely to be brought and which is, therefore, governed by a specific rule of law. Each question requires that you identify the specific rule, or rules, that will control the result and requires a short answer, written in the following form:

> Your answer must be a concise, proper analysis that includes: (1) Your statement of the likely result; (2) followed by an explicit statement of the governing rule of law; (3) followed by your application of that rule to the specific facts of the situation.

Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.

QUESTION 1.

The defendant decided to kill his boss the CEO of the company, after she told the defendant he would be fired if his work did not improve. The defendant knew the CEO was scheduled to go on a business trip on Monday morning. On Sunday morning, the defendant went to the company parking garage and put a bomb in the company car the CEO usually drove. The bomb was wired to go off when the car engine started. The defendant then left town. At 5 a.m. Monday, the defendant after driving all night was overcome with remorse and had a change of heart. He called the security officer on duty at the company and told him about the bomb. The security officer said he would take care of the matter. An hour later, the officer put a note on the CEO's desk telling her of the message. He then looked at the car but could not see any signs of a bomb. He printed a sign saying, "DO NOT USE THIS CAR", and put it on the windshield, and went to call the police. Before the police arrived, a vice president of the company got into the car and started the engine. The bomb went off, killing her.

The jurisdiction defines murder in the first degree as any homicide committed with premeditation and deliberation or any murder in the commission of a common-law felony. Second degree murder is defined as all other murder at common law. Manslaughter is defined by the common law.

What is the most serious crime that the defendant may be properly convicted of? (This Question is worth **35 points) Limit your answer to the space provided.**

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YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

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YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

QUESTION 2.

The night before his bar examination, the examinee's next-door neighbor was having a party. The music from the neighbor's home was so loud that the examinee couldn't fall asleep. The examinee called the neighbor and asked her to please keep the noise down. The neighbor then abruptly hung up. Angered, the examinee went into his closet and got a gun. He went outside and fired a bullet through the neighbor's living room window. Not intending to shoot anyone, the examinee fired his gun at such an angle that the bullet would hit the ceiling. He merely wanted to cause some damage to the neighbor's home to relieve his angry rage. The bullet, however, ricocheted off the ceiling and struck a partygoer in the back, killing her.

What is the most serious crime that the examinee may be properly convicted of? (This Question is worth **25 Points) Limit your answer to the space provided**.

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

QUESTION 3.

Jalen had severe muscular dystrophy. Mort was a nurse paid through a trust fund which he signed to take care of Jalen. Authorities recently found Jalen in an appalling condition. Jalen appeared emaciated, with sores from lying in bed for several weeks straight. Although the police took Jalen straight to the hospital, he could not be saved and died a few days later from malnutrition.

What are the most serious crimes that Jalen may be properly convicted of? (This Question is worth **60 Points) Limit your answer to the space provided**.

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YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

Fall 2021

CRIMINAL LAW MID-TERM EXAM

Professor Rodriguez

DURING THIS EXAM YOU ARE NOT TO HAVE ANY OTHER DOCUMENT OR A CELL PHONE OR ANY OTHER DEVICE THAT CAN TRANSMIT AND/OR RETAIN INFORMATION. POSSESSION OF THE ABOVE IS A VIOLATION OF THE HONOR CODE AND WILL BE DEALT WITH ACCORDINGLY.

INSTRUCTIONS:

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2. Your **ANSWERS TO THIS EXAM MUST BE WRITTEN DIRECTLY IN THIS EXAM PACKET**, unless you are typing your answers in to Examplify which in that case please write the word "typed" at the top of your exam. At the end of the exam everyone must turn in their exam packet.

3. Do not identify yourself in the exam packet or in Examplify in any way other than by student ID. Do not write any information that might reveal who you are.

4. This is a closed-book examination. Other than writing implements, you are not to have any materials on your table or at your feet. Place all books, knapsacks, briefcases, etc. at the side or front of the room. You are also not permitted to have any articles of clothing hung around the back of your chair.

5. This exam consists of **5 directed**, **short answer questions** for a **<u>total value of 95 Points</u>** and will account for **20% of your semester grade.**

Question # 1 is worth 15 points
Question # 2 is worth 20 points
Question # 3 is worth 20 points
Question # 4 is worth 30 points
Question # 5 is worth 10 points

6. The total time for the exam is **one hour and 20 minutes**.

I will give a **15-minute** warning at which point no one may leave the room until the exam ends.

I will also warn you when there are **5 minutes** left and **1-minute** left. When I call time, you are to stop writing immediately.

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

PART ONE – DIRECTED, SHORT-ANSWER QUESTIONS

Part One consists of five questions in the form of hypotheticals, each of which describes a situation from which a particular criminal charge is likely to be brought and which is, therefore, governed by a specific rule of law. Each question requires that you identify the specific rule, or rules, that will control the result and requires a short answer, written in the following form:

> Your answer must be a concise, proper analysis that includes: (1) Your statement of the likely result; (2) followed by an explicit statement of the governing rule of law; (3) followed by your application of that rule to the specific facts of the situation.

Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.

QUESTION 1.

David has been telling malicious lies about his sister, Janice, to their parents. Janice is convinced that David is out to get them to disinherit her. Home from college on Christmas vacation, Janice decides to "excise David, once and for all." She makes a batch of poison-laced cookies, puts them on a plate and leaves the plate on David's desk. Janice drives downtown to finish her holiday shopping. The holiday music fills her with remorse and guilt. She calls home to tell David what's she's done, but the line is busy. Janice rushes home, intending to throw the poisonous cookies away, but she finds that David has already eaten the cookies and is lying unconscious. She rushes David to the nearest hospital, but David dies in the emergency room.

In a jurisdiction where common law principles are applicable, what is the most serious crime that the defendant may be properly convicted of? (This Question is worth **15 points) Limit your answer to the space provided.**

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YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

QUESTION 2.

The defendant decided to kill his boss the CEO of the company, after she told the defendant he would be fired if his work did not improve. The defendant knew the CEO was scheduled to go on a business trip on Monday morning. On Sunday morning, the defendant went to the company parking garage and put a bomb in the company car the CEO usually drove. The bomb was wired to go off when the car engine started. The defendant then left town. At 5 a.m. Monday, the defendant after driving all night was overcome with remorse and had a change of heart. He called the security officer on duty at the company and told him about the bomb. The security officer said he would take care of the matter. An hour later, the officer put a note on the CEO's desk telling her of the message. He then looked at the car but could not see any signs of a bomb. He printed a sign saying, "DO NOT USE THIS CAR", and put it on the windshield, and went to call the police. Before the police arrived, a vice president of the company got into the car and started the engine. The bomb went off, killing her.

The jurisdiction defines murder in the first degree as any homicide committed with premeditation and deliberation or any murder in the commission of a common-law felony. Second degree murder is defined as all other murder at common law. Manslaughter is defined by the common law.

What is the most serious crime that the defendant may be properly convicted of? (This Question is worth **20 points) Limit your answer to the space provided.**

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YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: __ __ __ __ __

QUESTION 3.

The night before his bar examination, the examinee's next-door neighbor was having a party. The music from the neighbor's home was so loud that the examinee couldn't fall asleep. The examinee called the neighbor and asked her to please keep the noise down. The neighbor then abruptly hung up. Angered, the examinee went into his closet and got a gun. He went outside and fired a bullet through the neighbor's living room window. Not intending to shoot anyone, the examinee fired his gun at such an angle that the bullet would hit the ceiling. He merely wanted to cause some damage to the neighbor's home to relieve his angry rage. The bullet, however, ricocheted off the ceiling and struck a partygoer in the back, killing her. The jurisdiction makes it a misdemeanor to discharge a firearm in public.

What is the most serious crime that the examinee may be properly convicted of? (This Question is worth **20 Points) Limit your answer to the space provided**.

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: __ __ __ __ __

YOUR STUDENT ID NUMBER: __ __ __ __ __

QUESTION 4.

Jalen had severe muscular dystrophy. Mort was a nurse paid through a trust fund which he signed to take care of Jalen. Authorities recently found Jalen in an appalling condition. Jalen appeared emaciated, with sores from lying in bed for several weeks straight. Although the police took Jalen straight to the hospital, he could not be saved and died a few days later from malnutrition.

What are the most serious crimes that Jalen may be properly convicted of? (This Question is worth **30 Points) Limit your answer to the space provided**.

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: __ __ __ __ __

QUESTION 5.

A man suffered from a rare disease. If his skin was punctured, the wound would become infected, and the infection would spread to his lungs. Since the disease destroyed the man's ability to fight infection, a lung infection could be fatal.

The defendant disliked the man, but he did not know of the man's disease. One day, the defendant and the man had a verbal argument. The defendant pulled a knife and intentionally cut the man's leg. The cut became infected, and the infection spread to the man's lungs. The man died three days later.

What is the most serious crime that the defendant may be properly convicted of? (This Question is worth **10 Points) Limit your answer to the space provided**.

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: __ ___ ___ ___ ___

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___

Fall 2020

CRIMINAL LAW MID-TERM EXAM

Professor Rodriguez

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INSTRUCTIONS:

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4. This is a closed-book examination. Other than writing implements, you are not to have any materials on your table or at your feet. Place all books, knapsacks, briefcases, etc. at the side or front of the room.

This exam consists of two parts for a **total value of 100 Points** and will account for **20% of your semester grade.** The total time for the exam is **one hour and 15 minutes**.

Part One consists of **5 fill-in-the-blank questions** for a total value of **25 points**.

Part Two consists of 5 directed, **short answer questions** for a total value of **75 points**.

Question # 1 is worth 15 points
Question # 2 is worth 25 points
Question # 3 is worth 15 points
Question # 4 is worth 10 points
Question # 5 is worth 10 points

I will give a **15-minute** warning at which point no one may leave the room until the exam ends.

I will also warn you when there are **5 minutes** left and **1-minute** left. When I call time, you are to stop writing immediately.

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___

PART ONE: CONSISTS of 5 FILL-IN-THE-BLANK (each question is worth 5 points)

a). For the mnemonic: "BEST FARM CALF" fill in the proper Specific Intent Crimes:

B_____ F_____ C_____

E_____ A_____ A_____

S_____ R_____ L_____

_____ by T_____ M_____ F_____

b). At Common Law the General Intent Crimes were:

1._____ 2._____

3._____ 4._____

5._____ 6._____

c). Please fill in the Elements that form a Crime:

1._____ 2._____

3._____ 4._____

5._____

d). Fully and correctly define Voluntary intoxication:

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e). Fully and correctly define Involuntary Intoxication:

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PART TWO – DIRECTED, SHORT-ANSWER QUESTIONS

Part One consists of five questions in the form of hypotheticals, each of which describes a situation from which a particular criminal charge is likely to be brought and which is, therefore, governed by a specific rule of law. Each question requires that you identify the specific rule, or rules, that will control the result and requires a short answer, written in the following form:

> Your answer must be a concise, proper analysis that includes: (1) Your statement of the likely result; (2) followed by an explicit statement of the governing rule of law; (3) followed by your application of that rule to the specific facts of the situation.

Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.

QUESTION 1. Josina's upstairs neighbor was a grumpy old man with a serious heart condition. The grumpy old man called the police whenever Josina had a party and yelled that her television was too loud. He also reported Josina to the landlord for propping open the outer door to the apartment building. Josina could not stand her neighbor and devised a plan to get rid of him permanently.

First, Josina appeared to befriend her elderly neighbor. She began offering to carry his groceries up the stairs and she spoke to him politely. She even kept her television volume turned down. She knew that the man's daughter came by every Sunday promptly at 2p.m. One Sunday, she caught the man's daughter entering the building and told her that her father wanted her to pick up a few items at the store. When she handed her a list, the daughter left the building. After waiting a short time, Josina went to the apartment. He told her that he was worried because his daughter was never late. Josina responded that "the police were just here. Your daughter was in a car accident on the way here; she's dead. I told them you should hear this from a friend." The old man sunk to the floor crying. Then he clutched his chest and gasped for breath. Pleased that her plan worked so well, Josina stood and watched as he died.

A statute in the jurisdiction defines first degree murder as an intentional and premeditated killing, or one occurring during the commission of a common law felony. Second degree murder is defined as all other murders at common law.

What is the most serious crime that Josina can be convicted of? (This Question is worth **15 Points) Limit your answer to the space provided**.

QUESTION 2. Pam and her fiancé Sam got into a huge fight in the mall parking lot. Sam violently slapped Pam and called her nasty names. Pam then seemed to go into a wild rage. She screamed at him, took out a pocketknife she carried in her purse and stabbed Sam in the chest. Sam died a few days later from the stabbing.

What is the most serious crime that Pam can be convicted of? (This Question is worth **25 Points) Limit your answer to the space provided**.

QUESTION 3. The night before his bar examination, the examinee's next-door neighbor was having a party. The music from the neighbor's home was so loud that the examinee couldn't fall asleep. The examinee called the neighbor and asked her to please keep the noise down. The neighbor then abruptly hung up. Angered, the examinee went into his closet and got a gun. He went outside and fired a bullet through the neighbor's living room window. Not intending to shoot anyone, the examinee fired his gun at such an angle that the bullet would hit the ceiling. He merely wanted to cause some damage to the neighbor's home to relieve his angry rage. The bullet, however, ricocheted off the ceiling and struck a partygoer in the back, killing her. The jurisdiction makes it a misdemeanor to discharge a firearm in public.

What is the most serious crime that the examinee can be convicted of? (This Question is worth **15 Points) Limit your answer to the space provided**.

QUESTION 4. During what was supposed to be a romantic get-away at a cabin in the beautiful White Mountains, Clara told Daniel she was pregnant with his child. Daniel, who was not pleased with the news, stormed out of the cabin, and decided to leave town. Five months later Daniel returned and attacked Clara, repeatedly saying, I "hope the baby dies." During the attack Daniel punched Clara in the abdomen several times causing her to immediately go into premature labor. Clara was rushed to the hospital where she had to have an emergency procedure to deliver the baby. Three days later the baby died of massive trauma due to the beating Clara had received from Daniel.

If Daniel is charged with fetal homicide what must the Prosecution show to properly convict him? (This Question is worth **10 Points) Limit your answer to the space provided**.

QUESTION # 5: Jonathan and Peter are classmates at Podunk Law School in the state of Pretoria. One evening, they begin to discuss the proposed Pretoria legislation forbidding any school to promote or utilize affirmative action as a basis for admission. Before long, Jonathan and Peter are on their feet, arguing and shouting at one another. Peter calls Jonathan "a warped, opinionated, prejudiced, calloused, stupid idiot who doesn't belong in law school." Enraged by these remarks, Jonathan pushes Peter, who loses his balance and falls backwards, hitting his head against the edge of an oak table. Peter dies instantly. (Assume that common law principles are applicable in Pretoria.)

What is the most serious crime the defendant can be convicted of? (10 points) **Limit your answer to the space provided**.

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___

Fall 2019

CRIMINAL LAW MID-TERM EXAM – MONDAY – WEDNESDAY

Professor Rodriguez

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INSTRUCTIONS:

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3. Do not identify yourself in the exam packet in any way other than by student ID. Do not write any information that might reveal who you are.

4. This is a closed-book examination. Other than writing implements, you are not to have any materials on your table or at your feet. Place all books, knapsacks, briefcases, etc. at the side or front of the room.

This exam consists of two parts for a **total value of 100 Points** and will account for **15% of your semester grade.** The total time for the exam is **one hour and 15 minutes**.

Part One consists of **5 fill-in-the-blank questions** for a total value of **10 points**.

Part Two consists of 5 directed, **short answer questions** for a total value of **90 points**;

Question # 1 is worth 25 points
Question # 2 is worth 10 points
Question # 3 is worth 20 points
Question # 4 is worth 25 points
Question # 5 is worth 10 points

I will give a **15-minute** warning at which point no one may leave the room until the exam ends.

I will also warn you when there are **5 minutes** left and **1-minute** left. When I call time, you are to stop writing immediately.

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___

PART ONE: CONSISTS of 5 FILL-IN-THE-BLANK (each question is worth 2 points)

a). For the mnemonic: "BEST FARM CALF" fill in the proper Specific Intent Crimes:

B_____ F_____ C_____

E_____ A_____ A_____

S_____ R_____ L_____

_____ by T_____ M_____ F_____

b). At Common Law the General Intent Crimes were:

1._____ 2._____

3._____ 4._____

5._____ 6._____

c). Please fill in the Elements that form a Crime:

1._____ 2._____

3._____ 4._____

5._____

d). Please list five characteristics of a strict liability offense:

1._____

2._____

3._____

4._____

5._____

e). Fully define involuntary intoxication:

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PART TWO – DIRECTED, SHORT-ANSWER QUESTIONS

Part One consists of five questions in the form of hypotheticals, each of which describes a situation from which a particular criminal charge is likely to be brought and which is, therefore, governed by a specific rule of law. Each question requires that you identify the specific rule, or rules, that will control the result and requires a short answer, written in the following form:

> Your answer must be a concise, proper analysis that includes: (1) Your statement of the likely result; (2) followed by an explicit statement of the governing rule of law; (3) followed by your application of that rule to the specific facts of the situation.

Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.

QUESTION 1. Jalen had severe muscular dystrophy. Mort was a nurse paid through a trust fund which he signed to take care of Jalen. Authorities recently found Jalen in an appalling condition. Jalen appeared emaciated, with sores from lying in bed for several weeks straight. Although the police took Jalen straight to the hospital, he could not be saved and died a few days later from malnutrition.

Under the common law, if the State were to charge Mort with Involuntary Manslaughter (please do not define involuntary manslaughter) what must the State prove in order to properly convict Mort? (This Question is worth **25 Points) Limit your answer to the space provided**.

Do Not Write in This Space

QUESTION 2. Josina's upstairs neighbor was a grumpy old man with a serious heart condition. The grumpy old man called the police whenever Josina had a party and yelled that her television was too loud. He also reported Josina to the landlord for propping open the outer door to the apartment building. Josina could not stand her neighbor and devised a plan to get rid of him permanently.

First, Josina appeared to befriend her elderly neighbor. She began offering to carry his groceries up the stairs and she spoke to him politely. She even kept her television volume turned down. She knew that the man's daughter came by every Sunday promptly at 2p.m. One Sunday, she caught the man's daughter entering the building and told her that her father wanted her to pick up a few items at the store. When she handed her a list, the daughter left the building. After waiting a short time, Josina went to the apartment. He told her that he was worried because his daughter was never late. Josina responded that "the police were just here. Your daughter was in a car accident on the way here; she's dead. I told them you should hear this from a friend." The old man sunk to the floor crying. Then he clutched his chest and gasped for breath. Pleased that her plan worked so well, Josina stood and watched as he died.

What is the most serious crime that Josina can be convicted of? (This Question is worth **10 Points) Limit your answer to the space provided**.

QUESTION 3. Kyler fled the scene after committing an armed robbery. As he ran down an alley, a police officer aimed his gun at Kyler and fired. The police officer's bullet accidentally killed an innocent bystander.

Is Kyler liable for homicide under a felony murder theory? (This Question is worth **20 Points)** **Limit your answer to the space provided**.

QUESTION 4. Pam and her fiancé Sam got into a huge fight in the mall parking lot. Sam violently slapped Pam and called her nasty names. Pam then seemed to go into a wild rage. She screamed at him, took out a pocketknife she carried in her purse and stabbed Sam in the chest. Sam died a few days later from the stabbing.

What is the most serious crime that Pam can be convicted of? (This Question is worth **25 Points) Limit your answer to the space provided**.

QUESTION 5. The night before his bar examination, the examinee's next-door neighbor was having a party. The music from the neighbor's home was so loud that the examinee couldn't fall asleep. The examinee called the neighbor and asked her to please keep the noise down. The neighbor then abruptly hung up. Angered, the examinee went into his closet and got a gun. He went outside and fired a bullet through the neighbor's living room window. Not intending to shoot anyone, the examinee fired his gun at such an angle that the bullet would hit the ceiling. He merely wanted to cause some damage to the neighbor's home to relieve his angry rage. The bullet, however, ricocheted off the ceiling and struck a partygoer in the back, killing her. The jurisdiction makes it a misdemeanor to discharge a firearm in public.

What is the most serious crime that the examinee can be convicted of? (This Question is worth **10 Points) Limit your answer to the space provided**.

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___

Fall 2019

CRIMINAL LAW MID-TERM EXAM – TUESDAY -THURSDAY

Professor Rodriguez

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INSTRUCTIONS:

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4. This is a closed-book examination. Other than writing implements, you are not to have any materials on your table or at your feet. Place all books, knapsacks, briefcases, etc. at the side or front of the room.

This exam consists of two parts for a **total value of 100 Points** and will account for **15% of your semester grade.** The total time for the exam is **one hour and 15 minutes**.

Part One consists of **5 fill-in-the-blank questions** for a total value of **10 points**.

Part Two consists of 5 directed, **short answer questions** for a total value of **90 points**;

Question # 1 is worth 10 points
Question # 2 is worth 25 points
Question # 3 is worth 10 points
Question # 4 is worth 20 points
Question # 5 is worth 25 points

I will give a **15-minute** warning at which point no one may leave the room until the exam ends.

I will also warn you when there are **5 minutes** left and **1-minute** left. When I call time, you are to stop writing immediately.

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___

PART ONE: CONSISTS of 5 FILL-IN-THE-BLANK (each question is worth 2 points)

a). For the mnemonic: "BEST FARM CALF" fill in the proper Specific Intent Crimes:

B_____ F_____ C_____

E_____ A_____ A_____

S_____ R_____ L_____

_____ by T_____ M_____ F_____

b). At Common Law the General Intent Crimes were:

1._____ 2._____

3._____ 4._____

5._____ 6._____

c). Please fill in the Elements that form a Crime:

1._____ 2._____

3._____ 4._____

5._____

d). Please list five characteristics of a strict liability offense:

1._____

2._____

3._____

4._____

5._____

e). Fully define involuntary intoxication:

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PART TWO – DIRECTED, SHORT-ANSWER QUESTIONS

Part One consists of five questions in the form of hypotheticals, each of which describes a situation from which a particular criminal charge is likely to be brought and which is, therefore, governed by a specific rule of law. Each question requires that you identify the specific rule, or rules, that will control the result and requires a short answer, written in the following form:

> Your answer must be a concise, proper analysis that includes: (1) Your statement of the likely result; (2) followed by an explicit statement of the governing rule of law; (3) followed by your application of that rule to the specific facts of the situation.

Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.

QUESTION 1. A breeder and owner of vicious guard dogs trained his dogs to attack strangers at night. He often sold and leased his guard dogs to various business and factory owners who used the guard dogs to frighten away intruders from entering their premises at night. One evening, the breeder was in the back yard of his home training three of his guard dogs. The back yard was enclosed with a chain link fence and a latched gate that prevented the dogs from running out. After the training session, the breeder opened the gate and permitted the dogs to run loose in his front yard. Minutes later, a man was walking along the sidewalk in front of the breeder's home when he was attacked by one of the dogs. The man suffered severe injuries and died as a result of the attack.

What is the most serious crime that the breeder can be convicted of? (This Question is worth **10 Points) Limit your answer to the space provided**.

Do Not Write in This Space

QUESTION 2. Pam and her fiancé Sam got into a huge fight in the mall parking lot. Sam violently slapped Pam and called her nasty names. Pam then seemed to go into a wild rage. She screamed at him, took out a pocketknife she carried in her purse and stabbed Sam in the chest. Sam died a few days later from the stabbing.

What is the most serious crime that Pam can be convicted of? (This Question is worth **25 Points) Limit your answer to the space provided**.

QUESTION 3. Would your previous answer (Question # 2) change if Pam did not immediately stab Sam? What if Pam went home, "stewed" about her anger for a few days, then charged to Sam's house and stabbed him to death?

If your answer is yes what is the most serious crime that Pam can be convicted of? (This Question is worth **10 Points) Limit your answer to the space provided**.

QUESTION 4. Kyler fled the scene after committing an armed robbery. As he ran down an alley, a police officer aimed his gun at Kyler and fired. The police officer's bullet accidentally killed an innocent bystander.

Is Kyler liable for homicide under a felony murder theory? (This Question is worth **20 Points)** **Limit your answer to the space provided**.

QUESTION 5. Jalen had severe muscular dystrophy. Mort was a nurse paid through a trust fund which he signed to take care of Jalen. Authorities recently found Jalen in an appalling condition. Jalen appeared emaciated, with sores from lying in bed for several weeks straight. Although the police took Jalen straight to the hospital, he could not be saved and died a few days later from malnutrition.

Under the common law, if the State were to charge Mort with Involuntary Manslaughter (please do not define involuntary manslaughter) what must the State prove in order to properly convict Mort? (This Question is worth **25 Points) Limit your answer to the space provided**.

Fall 2012

CRIMINAL LAW MID-TERM EXAM

Professor Rodriguez

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___ ___ -- 59

DURING THIS EXAM YOU ARE NOT TO HAVE ANY OTHER DOCUMENT OR A CELL PHONE OR ANY OTHER DEVICE THAT CAN TRANSMIT AND/OR RETAIN INFORMATION. POSSESSION OF THE ABOVE IS A VIOLATION OF THE HONOR CODE AND WILL BE DEALT WITH ACCORDINGLY.

INSTRUCTIONS:

1. Do not use your own scrap paper. Instead, please take one (1) blue book, mark it as "Scrap." and use it as scrap paper. Please do not turn in your scrap blue book. At the end of the exam turn in **only this exam packet**.

2. Your **ANSWERS TO PARTS 1 & 2 MUST BE WRITTEN DIRECTLY IN THIS EXAM PACKET**, which you will turn in at the end of the exam.

3. Please do not identify yourself in the exam packet in any way other than by student ID. Please do not write any information that might reveal who you are.

4. This is a closed-book examination. Other than writing implements, you are not to have any materials on your table or at your feet. Place all books, knapsacks, briefcases, etc. at the side or front of the room.

This exam consists of [2] parts for a **total of 35 Points**. The total time for the exam is **one hour and 15 minutes**.

Part One consists of [2] definitions, worth **5** points each, for a total value of **10 points**;

Part Two consists of [5] directed, short answer questions, worth 5 points each, for a total value of **25 points**;

I will give a **15 minute** warning, at which point no one may leave the room until the exam ends. I will also warn you when there are **5 minutes** left and **1 minute** left. When I call time, you are to stop writing immediately.

GOOD LUCK !!!

<u>PART ONE</u> - Define each principle given below, clearly, fully and correctly. (Each definition is worth 5 points.)

1. Murder _____

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2. Insanity defenses_____

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PART TWO – DIRECTED, SHORT-ANSWER QUESTIONS (each question is worth 5 points)

The following short-answer questions each raises a single issue and requires a short answer ONLY. Please review the following hypotheticals, reflect on each, and consider your response before you write it. Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.

QUESTION 1: Mick was driving home from MSL on a Friday evening after a very long day of studying for his mid-terms. As he was traveling South on Route 93, he saw Sandra, a classmate of his, attempting to merge onto the on-ramp for 495 South. Sandra failed to slow down enough to take the exit and her car ran into the guard rail and flipped over. The accident looked fairly serious. Certain that someone would report the accident and anxious to get to the liquor store to purchase a 30 pack of Pabst Blue Ribbon before the store closed, Mick did not stop to offer assistance. Unfortunately for Sandra, no one reported the accident until several hours after Mick passed by and she died from internal bleeding before reaching the hospital. If the State Police learn that Mick drove by the accident, but did not intervene or call 911, can he be held criminally liable?

QUESTION 2: Robert Blake and his wife Bonnie Lee were having dinner at Vitello's Restaurant enjoying a couple of bottles of the finest red wine with their meals. During dinner Blake saw another man wink at Bonnie Lee and he Bonnie Lee began to argue over the fact that another man was paying attention to her. Blake had long suspected that Bonnie Lee was cheating on him with other men and he even suspected that she was having an affair with his older brother. The argument culminated with Bonnie telling Blake, "Well if it will ease your mind, I have been untrue to you," and "oh, by the way, your brother is much better than you in bed." Upon hearing this Blake lost his temper, and in fact, was so enraged that when he pulled a hammer out of his fanny pack all he saw was red as he began hitting his wife in the head with the hammer. At trial for the murder Bonnie Lee Blake argued that he was adequately provoked by his wife's statements and he requested that the court properly instruct the jury on a theory mitigation of murder to voluntary manslaughter. However, the trial court judge refused to give such an instruction stating that Bonnie Lee's statements to Blake was not such provocation as could justify a conviction for manslaughter instead of murder. Blake was subsequently convicted of murder and sentenced to death.

Blake appeals his conviction of murder and argues that he should have been able to submit to the jury evidence of mitigation of murder to manslaughter. How should the appeals court rule?

QUESTION 3: Mel Gibson and Bruce Willis where having a heated argument on the porch of Mel's lavish mansion over the fact that Oksana, Mel's wife, had posed in pictures depicting Oksana engaged in sexual activity with Bruce. Bruce in an effort to get the pictures back snatched the photos out of Mel's hands and ran across the street to his mansion. A short time later, as Bruce came out of his mansion, he saw Mel approaching his house with his face painted in blue war paint and carrying a cross-bow. A very pregnant Jessica Simpson, who was out getting exercise, happened to be walking by Bruce's house at the time, and Mel told her "watch out" immediately before shooting the arrow. The arrow missed Bruce and instead struck Jessica in the chest. Jessica who was nine months pregnant at the time died of massive blood loss. Baby Nick (Jessica's baby) was born alive about an hour after Jessica died, but died seventeen hours later as a result of the injury inflicted on her mother. Is Mel criminally liable for the death of Baby Nick?

QUESTION 4: Ronald McDonald opened a *McDonalds* in downtown BurgerVille, which turned out to be a hit with local villagers. After seeing how successful Ronald was, the Burger King decided to open his own joint, and he called it - yep, you guessed it – *Burger King*. Ronald McDonald was furious and he decided to get even with the Burger so he hired and paid $500 in advance, with another $500 to be paid upon performance, to Grimace, the Hamburglar, the Fry Kids, and Birdie the Early Bird to set fire to Burger King's new place and to burn it to the ground. Grimace and the gang arrived at Burger King between 3:00 and 4:00 in the morning. Grimace broke one of the windows, and the Fry Kids and Birdie the Early Bird crawled through the window to the interior. The Hamburglar, who was outside with Grimace, handed the Fry Kids and Birdie two containers of gasoline to start the fire. The Burger King building was completely burned to the ground and it was later discovered that the Burger King's charred body was also found in the rubble. Are Grimace, the Hamburglar, the Fry Kids and Birdie the Early Bird criminally responsible for the Burger King's death?

Question 5: Momma Bear, Papa Bear and Baby Bear came home after being away for 3 days and found Goldilocks, who had just been released from the Southey Asylum for the Mentally Ill, in their log cabin. Goldilocks at the time was wearing Momma Bear's apron and clothes and she was cooking the Bear's porridge. Goldilocks was subsequently arrested and charged with burglary. Psychiatric reports submitted to the court detailed Goldilock's long history of alcoholism, disease and trauma including ten previous hospital confinements for treatment.

At trial Goldilocks pled not guilty to the charge of burglary, arguing that she did not have the specific intent to commit burglary, which is a required element to be proved in order to be convicted of the crime. Goldilocks' attorney argued that Goldilocks was operating under a delusion that she owned the log cabin and its contents and as a result of those delusions did not have the intent to commit theft or any felony.

What specific defense should Goldilocks raise; and, if she is tried in a bi-furcated trial at which phase does she raise the defense that she lacked the requisite mens rea to commit the offense?

Fall 2013

CRIMINAL LAW MID-TERM EXAM

Professor Rodriguez

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___ ___ -- 59

DURING THIS EXAM YOU ARE NOT TO HAVE ANY OTHER DOCUMENT OR A CELL PHONE OR ANY OTHER DEVICE THAT CAN TRANSMIT AND/OR RETAIN INFORMATION. POSSESSION OF THE ABOVE IS A VIOLATION OF THE HONOR CODE AND WILL BE DEALT WITH ACCORDINGLY.

INSTRUCTIONS:

1. Do not use your own scrap paper. Instead, please take one (1) blue book, mark it as "Scrap." and use it as scrap paper. At the end of the exam please turn in your exam packet and your scrap blue book.

2. Your ANSWERS TO PARTS 1 & 2 MUST BE WRITTEN DIRECTLY IN THIS EXAM PACKET, which you will turn in at the end of the exam.

3. Do not identify yourself in the exam packet in any way other than by student ID. Do not write any information that might reveal who you are.

4. This is a closed-book examination. Other than writing implements, you are not to have any materials on your table or at your feet. Place all books, knapsacks, briefcases, etc. at the side or front of the room.

This exam consists of [2] parts for a total of 45 Points. The total time for the exam is one hour and 15 minutes.

Part One consists of [2] definitions, worth 10 points each, for a total value of 20 points;

Part Two consists of [5] directed, short answer questions, worth 5 points each, for a total value of 25 points;

I will give a 15 minute warning at which point no one may leave the room until the exam ends. I will also warn you when there are 5 minutes left and 1 minute left. When I call time, you are to stop writing immediately.

GOOD LUCK !!!

PART ONE - Define each principle given below, clearly, fully and correctly. (each question is worth 10 points)

1. Insanity defenses (to include insanity) _____

2. Murder _____

PART TWO – DIRECTED, SHORT-ANSWER QUESTIONS (each question is worth 5 points)

Part Two consists of 5 directed hypotheticals, each of which describes a situation from which a criminal charge is likely to be brought and which is, therefore, governed by a particular rule of law. Each hypothetical requires that you identify the specific rule, or rules, that will control the result and requires a short answer, written in the following form.:

Your answer must be a concise, proper analysis that includes: (1) Your statement of the likely result; (2) followed by an explicit statement of the governing rule of law; (3) followed by your application of that rule to the specific facts of the situation.

Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.
Question # 1 is based on the following:

One summer evening, Kelly decided to go swimming in the outside pool of her apartment building. She walked out to the pool and found only Seth, her neighbor's seven-year-old son, was at the pool. Just as she arrived at the pool, Kelly watched while Seth fell into the deep end of the pool and began to thrash around. Although Kelly had been a lifeguard in high school and could easily have saved Seth without any risk to herself, she recalled an incident in the past when Seth let the air out of the tires of her car, so she decided not to intervene. Instead she yelled out, "die you little bastard" as she turned and went back inside her apartment. Because everyone knew that Kelly hated Seth, Kelly feared she might be accused of having pushed Seth into the pool, so she called the police. The police arrived quickly, but Seth had already drowned.

QUESTION # 1 Discuss what crimes were committed and all available defenses. (Please answer using only the space provided)

(Please Limit Your Answer To The Designated Lines Above)

Question # 2 is based on the following:

James Kirk and his wife Uhura Kirk were having dinner at Vitello's Restaurant enjoying a couple of bottles of the finest red wine with their meal. During dinner James saw another man wink at Uhura which angered him, and he began to argue with her because another man was paying attention to her. James had long suspected that Uhura was cheating on him with other men and he even suspected that she was having an affair with his older brother. The argument ended with Uhura telling James, "Well if it will ease your mind, I have been untrue to you," and "oh, by the way, your brother is a much better lover than you in bed." Upon hearing this James lost his temper and, in fact, was so enraged that when he pulled out a hammer from his fanny pack all he saw was red as he began hitting his wife in the head with the hammer. James was later arrested for the brutal murder of his wife.

QUESTION # 2 Discuss what crimes were committed and all available defenses. (Please answer using only the space provided)

Question # 3 is based on the following:

During what was supposed to be a romantic get-away at a cabin in the beautiful White Mountains, Clara told Daniel she was pregnant with his child. Daniel, who was not pleased with the news, stormed out of the cabin and decided to leave town. Five months later Daniel returned and attacked Clara, repeatedly saying I "hope the baby dies." During the attack Daniel punched Clara in the abdomen several times causing her to immediately go into premature labor and to gave birth to a girl. Three days later the baby died of massive trauma due to the beating Clara had received from Daniel.

QUESTION # 3 Discuss what crimes were committed and all available defenses (Please answer using only the space provided)

Question # 4: is based on the following:

Momma Bear, Papa Bear and Baby Bear came home after being away for 3 days and found Goldilocks, who had just been released from the Southey Asylum for the Mentally Ill, in their log cabin. Goldilocks at the time was wearing Momma Bear's apron and clothes and she was cooking the Bear's porridge. Goldilocks was subsequently arrested and charged with burglary. Psychiatric reports submitted to the court detailed Goldilock's long history of alcoholism, disease and trauma including ten previous hospital confinements for treatment.

At trial Goldilocks pled not guilty to the charge of burglary, arguing that she did not have the specific intent to commit burglary, which is a required element to be proved in order to be convicted of the crime. Goldilocks' attorney argued that Goldilocks was operating under a delusion that she owned the log cabin and its contents and as a result of those delusions did not have the specific intent to commit theft or any other felony.

QUESTION # 4 Please state and define what specific defense Goldilocks should raise; and, if she is tried in a bi-furcated trial at which phase would she raise the defense that she lacked the requisite mens rea to commit the offense?

Question # 5 is based on the following:

Georgio hated the presence of homeless people in his wealthy neighborhood of Wellesly. Seeing Deval lying in a cardboard box in an alley near his home he decided to send a message to the homeless. Georgio went inside his home and looked for the sharpest instrument he could find. From his kitchen drawer he took a pair of scissors, went outside and stabbed Deval several time in the neck and back. Georgio didn't intend to kill Deval, he only wanted to frighten the homeless away from his posh neighborhood. The wounds Georgio inflicted were deep enough to kill an ordinary man but the autopsy revealed not only the extent of the stab wound but also the fact that Deval was already dead when Georgio stabbed him. Deval had died an hour earlier from dehydration and hypothermia.

QUESTION # 5 Discuss what crimes were committed and all available defenses. (Please answer using only the space provided)

Fall 2014

CRIMINAL LAW MID-TERM EXAM

Professor Rodriguez

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___ ___ -- 59

DURING THIS EXAM YOU ARE NOT TO HAVE ANY OTHER DOCUMENT OR A CELL PHONE OR ANY OTHER DEVICE THAT CAN TRANSMIT AND/OR RETAIN INFORMATION. POSSESSION OF THE ABOVE IS A VIOLATION OF THE HONOR CODE AND WILL BE DEALT WITH ACCORDINGLY.

INSTRUCTIONS:

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4. This is a closed-book examination. Other than writing implements, you are not to have any materials on your table or at your feet. Place all books, knapsacks, briefcases, etc. at the side or front of the room.

This exam consists of [**2**] parts for a **total of 50 Points**. The total time for the exam is **one hour and 15 minutes**.

Part One consists of [**2**] definitions, worth **10** points each, for a total value of **20 points**;

Part Two consists of [**6**] directed, short answer questions, worth **5** points each, for a total value of **30 points**;

I will give a **15 minute** warning at which point no one may leave the room until the exam ends. I will also warn you when there are **5 minutes** left and **1 minute** left. When I call time, you are to stop writing immediately.

GOOD LUCK !!!

PART ONE - Define each principle given below, clearly, fully and correctly. (each question is worth 10 points)

1. Elements of a Crime

2. Legal Duty to Act (to include the Seven Legal Duties – Define each)_____

PART TWO – DIRECTED, SHORT-ANSWER QUESTIONS (each question is worth 5 points)

Part Two consists of 6 directed hypotheticals, each of which describes a situation from which a criminal charge is likely to be brought and which is, therefore, governed by a particular rule of law. Each hypothetical requires that you identify the specific rule, or rules, that will control the result and requires a short answer, written in the following form:

Your answer must be a concise, proper analysis that includes: (1) Your statement of the likely result; (2) followed by an explicit statement of the governing rule of law; (3) followed by your application of that rule to the specific facts of the situation.

Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.

Question # 1 is based on the following:

Paul was in the habit of carrying a large amount of cash with him after payday. His good friend Charlie was worried that someday Paul might get robbed. To teach Paul to be more careful, and intending only to frighten him, the friend purchased a realistic-looking toy gun and a face mask and hid in the bushes one night after payday, waiting for Paul to come home. As Paul passed by, Charlie jumped out of the bushes, pointed the toy gun at him, and took all of his money. Paul was badly frightened by the incident. Shortly thereafter, Charlie returned the money to Paul.

Discuss what crimes were committed and all available defenses. (Answer using only the space provided)

Question # 2 is based on the following:

While Farmer Brown was plowing his cornfield his tractor broke down. While attempting to repair it, he discovered that he needed a special kind of tool to make the repairs. Farmer Brown knew that his neighbor, Farmer Fred, used the same type of tractor and kept a large assortment of tools in a shed attached to his house. Not wanting to make the long drive to the John Deere store to purchase a special tool he was likely to use only once, Farmer Brown went to Farmer Fred's house to borrow the special tool. However, no one was home so he decided to look in Farmer Fred's shed for the special tool. To gain entry into the shed, Farmer Brown opened an unlocked window and climbed through the opening to gain entry to the shed. Once inside, Farmer Brown found the tool and took it with him to work on the tractor. Farmer Fred returned soon after and contacted the police when he discovered that one of his tools was missing. Through a diligent investigation the police were able to determine that Farmer Brown took the tool.

Discuss what crimes were committed and all available defenses. (Please answer using only the space provided)

Question # 3 is based on the following:

Jay a college student was the sole lifetime beneficiary under a large trust administered by a banker. Jay received large monthly distributions from the trust, and whenever he ran short, he simply called the banker for extra funds, because the trust provided that Jay was to receive whatever he needed from income or principal. Jay's roommate, Scott, found out about the trust arrangement and decided to see if he could make it pay off for him. Scott sent a telegram to the banker, which appeared to be from Jay, and which asked for several thousand dollars to cover medical expenses. The telegram further stated that, since he (Jay) was in the hospital, Jay would send his roommate (Scott) to pick up the cash. The next day, Scott showed up at the banker's office and obtained the money on the promise that he would take it to Jay. Scott fled with the funds.

Discuss what crimes were committed and all available defenses (Please answer using only the space provided)

Question # 4: is based on the following:

Martha was walking out of Kohl's when she saw a man suddenly fall to the street with an apparent heart attack. However, that person was, in fact, an accomplice of Peter. With Martha's attention momentarily diverted, Peter removed Martha's wallet from her purse. Another passerby shouted to Martha, who turned and caught Peter by his sleeve. Peter pushed her hand away and started to run, but tripped over a curb dropping the wallet when he fell. Martha was able to recover the wallet.

Discuss what crimes were committed and all available defenses (Please answer using only the space provided)?

Question # 5 is based on the following:

Bertha, a high level Manager for Avis Car Rental, who was required to travel from store to store in the state was fired from her job. Bertha failed to return the company car that she was using in her capacity as a manger, and, instead, sold the car to her neighbor for cash.

Discuss what crimes were committed and all available defenses. (Please answer using only the space provided)

Question # 6 is based on the following:

Sam was at Melissa's house playing cards and drinking heavily one night during which time they both became intoxicated. After several hours both Sam and Melissa passed out. In the middle of the night, Sam awoke with a headache so he went to the kitchen and poured himself another shot of Maker's Mark. Sam also felt hungry and decided to make himself some green eggs and ham. After fixing his snack he inadvertently forgot to turn off the stove. A gas leak occurred, causing a fire that burned down the house.

Discuss what crimes were committed and all available defenses. (Please answer using only the space provided)

Fall 2015

CRIMINAL LAW MID-TERM EXAM

Professor Rodriguez

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___

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This exam consists of 2 parts for a **total value of 55 Points**.

The total time for the exam is **one hour and 15 minutes**.

Part One consists of 5 multiple-choice questions worth **2** points each, for a total value of **10 points**;

Part Two consists of 8 directed, short answer questions, for a total value of **45 points**;

I will give a **15 minute** warning at which point no one may leave the room until the exam ends. I will also warn you when there are **5 minutes** left and **1 minute** left. When I call time, you are to stop writing immediately.

GOOD LUCK!!!

ID #: ___ ___ ___ ___ ___

PART ONE – Consists of five multiple choice questions. (each question is worth 2 points)

Question # 1. In a crowded football stadium, a man saw a wallet fall out of a spectator's purse. The man picked up the wallet and found that it contained $100 in cash. Thinking that he could use the money and seeing no one watching, the man put the wallet in the pocket of his coat. Just then, the spectator approached the man and asked if he had seen a missing wallet. The man said no and went home with the wallet.

Of what crime, if any, is the man guilty?

(A) Embezzlement.

(B) False pretenses.

(C) Larceny.

(D) No crime.

Question # 2. A woman went to an art gallery and falsely represented that she was an agent for a museum and wanted to purchase a painting that was hanging in the gallery. The woman and the gallery owner then agreed on a price for the painting to be paid 10 days later, and the woman took the painting. When the gallery failed to receive the payment when due the owner called the museum and discovered that the woman did not work there. The owner then notified the police.

When interviewed by the police the woman admitted making the false representation and acquiring the painting, but she said she believed that the painting had been stolen from her by someone who worked in the gallery.

Is the woman guilty of obtaining property by false pretenses?

(A) No, because she believed that the painting belonged to her.

(B) No, because the gallery owner would have sold the painting to anyone who agreed to pay the price.

(C) Yes, because even if her representation was not material, she never intended to pay for the painting.

(D) Yes, because she knowingly made a false representation on which the gallery owner relied.

Question # 3. A man had spent the evening drinking at a local bar and was weaving down the street on his way home, singing. Suddenly, a person wearing a cartoon character mask jumped out from an alley, pointed his gun at the man, and snarled, "This is loaded, buddy, and I don't mind using it. Hand over your cash pronto." The man was so drunk that he failed to understand what was going on and started to howl with laughter at the sight of the cartoon mask. Surprised and rattled by the man's reaction, the masked gunman fled. The man soon recovered his composure and staggered home safely.

The crimes below are listed in descending order of seriousness. What is the most serious crime of which the masked gunman may properly be charged and convicted?

(A) Attempted robbery.

(B) Attempted battery.

(C) Attempted larceny.

(D) No crime.

Question 4. A woman told a man to go into her friend's unlocked barn and retrieve an expensive black saddle that she said she had loaned to the friend. The man went to the friend's barn, opened the door, found a black saddle, and took it back to the woman's house. The friend had in fact not borrowed a saddle from the woman, and when the friend discovered her black saddle missing, she suspected that the woman was the thief. The friend used a screwdriver to break into the woman's house to find the saddle. Upon discovering the saddle on the woman's table, the friend took it back and called the police.

The jurisdiction follows the common law, except that burglary covers structures in addition to dwellings and the nighttime element has been eliminated.

Which, if any, of these individuals is guilty of burglary?

(A) All of them.

(B) Only the friend.

(C) Only the man.

(D) Only the woman.

Question 5. Kristen works as a live-in maid for Ward and June Cleaver. Feeling that she is underpaid, Kristen decides to steal an antique Chinese vase from the Cleaver mansion. She takes the vase, puts it under her coat, and leaves the house. About an hour later, June Cleaver notices that the vase is missing and calls the police. Police Officer Joe Friday spots Kristen walking in the seedy part of town with a big bulge under her coat. Friday stops Kristen, who admits that she stole the vase. She turns the vase over to Friday.

Kristen tells Friday that she was going to sell the vase to Beaver, a well-known "fence" for antique artifacts. Hoping to earn a few commendation points on his record by catching the notorious Beaver, Friday hands the vase back to Kristen and asks her to go ahead with the sale to Beaver. Beaver, intending to add the vase from Kristen to his own private collection of rare Chinese antiques, buys the vase from Kristen for a small fraction of its real value.

Based on these facts, if Beaver is prosecuted for receiving stolen property, it is most likely that:

A) Beaver is guilty because the low purchase price establishes that he either knew or suspected that the vase was stolen.

B) Beaver is guilty because the vase was stolen.

C) Beaver is not guilty because Friday recovered the stolen vase.

D) Beaver is not guilty because he did not intend to resell the vase.

PART TWO - DIRECTED, SHORT-ANSWER QUESTIONS (each question with the exception of question five is worth 5 points. Question five is worth 10 points)

Part Three consists of eight questions in the form of hypotheticals, each of which describes a situation from which a particular criminal charge is likely to be brought and which is, therefore, governed by a specific rule of law. Each question requires that you identify the specific rule, or rules, that will control the result and requires a short answer, written in the following form:

> Your answer must be a concise, proper analysis that includes: (1) Your statement of the likely result; (2) followed by an explicit statement of the governing rule of law; (3) followed by your application of that rule to the specific facts of the situation.

Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.

QUESTION 1: Sam was driving home from MSL on a Friday evening after a very long day of studying for his mid-terms. As he was traveling South on Route 93, he saw Rhonda, a classmate of his, attempting to merge onto the on-ramp for 495 South. Rhonda failed to slow down enough to take the exit and her car ran into the guard rail and flipped over. The accident looked fairly serious. Certain that someone would report the accident and anxious to get to the liquor store to purchase a 30 pack of Pabst Blue Ribbon before the store closed, Sam did not stop to offer assistance. Unfortunately for Rhonda, no one reported the accident until several hours after Sam passed by and she died from internal bleeding before reaching the hospital.

What crime has Sam committed and what available defenses may he raise, if any?

QUESTION 2: Ralph asked Susan Beagal if he could borrow her new Toyota. He told Susan that he needed the car to go to a party at a professor's house. When he made the statement, he had no other purpose in mind. Susan gave him the keys and told Ralph to have a good time. At the professor's party, Ralph had a violent argument with his fiancé and decided that he had to get as far away from her as possible. Ralph drove back to his house, put his most valuable possessions in Susan's car, and started on a trip out West. Ralph was arrested one week later when a custom's official checked the car's license plate at the U.S.-Mexico border.

What crime has Ralph committed and what if any available defenses may he raise?:

QUESTION 3: Joe, desperately needing money for his drug habit, steals a television from a friend's house. (Assume that, under applicable law, no burglary has occurred.) Three days later, Joe holds a garage sale and offers to sell the TV to Molly for $50. When Molly asks Joe how he could sell the item for "such a bargain" Joe replies that he needs the money "quickly" to relocate to another city. Molly pays Joe $50 and takes the television without ever getting proof of title for the item.

What crime has Joe committed and what if any available defenses may he raise?:

QUESTION 4: Mary Hatch Bailey was at home and turned on the TV to watch her favorite television show at 8:00pm. She heard someone on her porch, yelling, "I want to live again, I want to live again." Thinking it was her husband, she opened the front door. On her porch was a strange man named Steven who demanded she let him in the house. Mary told Steven to go, "pound sand" and when she refused, Steven pulled out a knife. Mary, fearful for her life, let Steven in. Once inside, he searched for oatmeal raisin cookies as they were his favorite holiday cookie. Upset that he couldn't find any oatmeal raisin cookies he decided to take what he originally came there for which was Mary's lavish engagement ring and cash from her knitting drawer and then left the house.

What crime or crimes has Steven committed and what if any available defenses may he raise?

QUESTION 5: A woman drove her car through the drive-through lane of a fast-food restaurant in the afternoon. When she reached the microphone provided to place orders, she said, "There's a man across the street with a rifle. He can see everything you do. If you do not do exactly what I tell you, he will shoot you. Put all the money from the register into a sack and give it to me when I drive up to your window." The clerk did not see anyone across the street and was unsure whether anyone was there. However, unwilling to risk harm to himself, he put $500 in a paper bag and handed it to the woman when she drove up to the delivery window. The woman drove off with the money but was arrested a short time later. She had lied about the man with a rifle and had acted alone.

What crime or crimes has the woman committed and what if any available defenses may she raise?

QUESTION 6: A tenant was cleaning out the living room of his apartment as his lease had expired. The tenant did not have very much living room furniture so he carried out his sofa, ottoman, coffee table, desk and chair. As the tenant inspected the room one last time, he noticed his bookcase that he had screwed into the wall when he first moved in. While he pondered whether to remove the bookcase, the tenant concluded that it constituted a fixture and, therefore, was a permanent part of the realty. Nonetheless, the tenant decided that the bookcase would fit nicely in his new apartment, so he removed it from the living room wall. When the landlord learned that the tenant had removed the bookcase, he contacted the tenant and demanded that he return it to the apartment. The tenant refused.

What crime has the tenant committed and what if any available defenses might he raise?

QUESTION 7: A woman was waiting in line to enter the Shubert Theatre in downtown Boston to watch the holiday performance of the Boston Nutcracker when she noticed a free show-pass on the ground. Each pass had a space in which the owner of the pass was supposed to write in his/her name. The woman waited until she got to the cashier's window and presented the pass, seeking a free admission to the movie, and claiming that she received it as a birthday present from a friend. The cashier told her that the passes were invalid unless the holder's name was entered on the pass. The woman wrote her name on the pass, gave it to the cashier, and was admitted to the theater.

What crime has the woman committed and what if any available defenses may she raise?

QUESTION 8: An actress was inside her dressing room on the set of a new television action movie. While she was applying her make-up, a man entered her dressing room and told her not to make a sound. Frightened, the actress go up and ran towards a back door in the dressing room however she tripped and fell over a coffee table, bruising her legs.

What crime has the man committed and what if any available defenses may he raise?

Fall 2017

CRIMINAL LAW MID-TERM EXAM

Professor Rodriguez

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___

DURING THIS EXAM YOU ARE NOT TO HAVE ANY OTHER DOCUMENT OR A CELL PHONE OR ANY OTHER DEVICE THAT CAN TRANSMIT AND/OR RETAIN INFORMATION. POSSESSION OF THE ABOVE IS A VIOLATION OF THE HONOR CODE AND WILL BE DEALT WITH ACCORDINGLY.

INSTRUCTIONS:

1. Do not use your own scrap paper. Instead, take one (1) blue book, **mark it with the word "Scrap" and your student ID #,** and use that as your scrap paper. At the end of the exam please turn in **your exam packet** and your scrap blue book.

2. Your **ANSWERS TO THIS EXAM MUST BE WRITTEN DIRECTLY IN THIS EXAM PACKET**, which you will turn in at the end of the exam.

3. Do not identify yourself in the exam packet in any way other than by student ID. Do not write any information that might reveal who you are.

4. This is a closed-book examination. Other than writing implements, you are not to have any materials on your table or at your feet. Place all books, knapsacks, briefcases, etc. at the side or front of the room.

This exam consists of **TWO** parts for a **total value of 35 Points** and will account for **10% of your semester grade.** The total time for the exam is **one hour and 15 minutes**.

Part One consists of 5 directed, short answer questions, for a total value of **35 points**;

Question # 1 is worth **5** points

Question # 2 is worth **10** points

Question # 3 is worth **5** points

Question # 4 is worth **10** points

Question # 5 is worth **5** points

Part Two consists of **3 Fill-in-the-Blank BONUS questions allowing** for a possible extra **15 points**.

I will give a **15-minute** warning at which point no one may leave the room until the exam ends. I will also warn you when there are **5 minutes** left and **1-minute** left. When I call time, you are to stop writing immediately.

GOOD LUCK!!!

PART ONE – DIRECTED, SHORT-ANSWER QUESTIONS

Part One consists of five questions in the form of hypotheticals, each of which describes a situation from which a particular criminal charge is likely to be brought and which is, therefore, governed by a specific rule of law. Each question requires that you identify the specific rule, or rules, that will control the result and requires a short answer, written in the following form:

> Your answer must be a concise, proper analysis that includes: (1) Your statement of the likely result; (2) followed by an explicit statement of the governing rule of law; (3) followed by your application of that rule to the specific facts of the situation.

Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.

QUESTION 1: Two friends decided to play catch with a baseball from opposite sides of a busy street. The friends threw the ball across the street to each other for approximately twenty minutes, nearly hitting several cars, pedestrians and bicycle riders several times. As one of the friends wound his arm up to hurl the ball across the street once more, a bicycle rider came along. The ball hit the bicycle rider in the neck, but did not injure the rider in any way. Annoyed, the rider flipped the ball to one of the friends and said, "You guys should probably take this game off the busy street."

What common law crime has the friend committed? (This Question is worth **5 Points) Limit your answer to the space provided**.

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QUESTION 2: A husband and a wife were chronic alcoholics. One afternoon, the husband drank a fifth of bourbon and was drunk when his wife returned home from work. When the wife saw her husband's condition, she got very angry because they had planned to go out to dinner and celebrate their wedding anniversary. While the husband was passed out on the living room couch, the wife decided to fix herself a martini. After drinking two martinis, the wife became extremely inebriated. A short while later, the wife began preparing a third martini and tried to slice a lemon for the drink. As she did so, the knife slipped, and she cut her hand severely. With blood gushing from the wound, the wife called her husband to help her. He awoke momentarily, stood up, but fell back on the couch and passed out. He failed to render any assistance, and the wife bled to death.

If the husband is charged with involuntary manslaughter what must the Prosecution prove in order to convict the husband and what if any defense could he raise? Please note, I am not asking you to define involuntary manslaughter.

(This Question is worth **10 Points) Limit your answer to the space provided**.

Do Not Write In This Space

Turn The Page For The Next Question

QUESTION 3: A sixteen-year-old girl walked into a liquor store to purchase alcohol. Before selling the alcohol to the girl, the liquor store owner asked the girl her age. She responded that she was twenty-two years old and the liquor store owner sold her the alcohol. The liquor store owner did not ask the girl for identification to verify her age. On her way home, a police officer stopped the girl and found the alcohol she had just purchased from the liquor store owner. The police officer went to the liquor store from which the girl had purchased the alcohol and arrested the liquor store owner for selling alcohol to a minor. In this jurisdiction, the legal drinking age is twenty-one years old.

Under both the common and modern law is the store owner criminally liable for selling alcohol to the minor?

(This Question is worth **5 Points) Limit your answer to the space provided**.

QUESTION 4: Defendant threatens victim by pointing a rifle at her and threatening to "blow her in half." Victim does not know it, but the rifle is not loaded. Has the defendant committed a common law crime?

(This Question is worth **10 Points) Limit your answer to the space provided**.

Do Not Write In This Space

Turn The Page For The Next Question

QUESTION 5: Victim, a quadriplegic as a result of an accident, is in a permanent coma at a nursing home, and has been so for two years. During a routine physical examination, it is discovered that victim is four months pregnant. Victim is not married, nor does she have a boyfriend. The Nursing home director states, "Someone is guilty of rape." Is he correct?

(This Question is worth **5 Points) Limit your answer to the space provided**.

Do Not Write In This Space

Turn The Page For The Next Question

BONUS QUESTION: On the last play of a playoff football game, a game-winning touchdown was nullified by a questionable penalty called by the referee. To register her displeasure but without intending to hit anyone, a fan sitting in the stands threw a bottle onto the field that just missed the head of the referee, who was looking in the other direction and did not see the bottle being thrown.

What crime has the fan committed? (This Question is worth **10 Points) Limit your answer to the space provided**.

ID #: ___ ___ ___ ___ ___

BONUS QUESTIONS

PART TWO: CONSISTS of 3 FILL-IN-THE-BLANK (each question is worth 5 points)

QUESTION 1. For the mnemonic: "BEST FARM CALF" fill in the proper Specific Intent Crimes:

B_____ F_____ C_____

E_____ A_____ A_____

S_____ R_____ L_____

_____ by T_____ M_____ F_____

QUESTION 2. At Common Law the General Intent Crimes were:

1._____ 2._____

3._____ 4._____

5._____ 6._____

QUESTION 3. Please fill in the proper Elements of a Crime:

1._____ 2._____

3._____ 4._____

5._____

Fall 2018

CRIMINAL LAW MID-TERM EXAM

Professor Rodriguez

YOUR STUDENT ID NUMBER: ___ ___ ___ ___ ___

DURING THIS EXAM YOU ARE NOT TO HAVE ANY OTHER DOCUMENT OR A CELL PHONE OR ANY OTHER DEVICE THAT CAN TRANSMIT AND/OR RETAIN INFORMATION. POSSESSION OF THE ABOVE IS A VIOLATION OF THE HONOR CODE AND WILL BE DEALT WITH ACCORDINGLY.

INSTRUCTIONS:

1. Do not use your own scrap paper. Instead, take one blue book, **mark it with the word "Scrap" and your student ID #,** and use that as your scrap paper. At the end of the exam **turn in your scrap blue book with your exam packet**.

2. Your **ANSWERS TO THIS EXAM MUST BE WRITTEN DIRECTLY IN THIS EXAM PACKET**, which you will turn in at the end of the exam.

3. Do not identify yourself in the exam packet in any way other than by student ID. Do not write any information that might reveal who you are.

4. This is a closed-book examination. Other than writing implements, you are not to have any materials on your table or at your feet. Place all books, knapsacks, briefcases, etc. at the side or front of the room.

This exam consists of **7 questions** and a **<u>total value of 100 Points</u>** and will account for **15% of your semester grade.** The total time for the exam is **one hour and 15 minutes**.

<u>This midterm exam</u> consists of **6 directed**, **short answer questions** and **1 four-part fill-in-the-blank questions** for a total value of **100 points**;

Question # 1 is worth 10 points

Question # 2 is worth 15 points

Question # 3 is worth 15 points

Question # 4 is worth 20 points

Question # 5 is worth 10 points

Question # 6 is worth 10 points

Question # 7 consists of 4 Fill-in-the-Blank sub-parts for a total 20 points

I will give a **15-minute** warning at which point no one may leave the room until the exam ends. I will also warn you when there are **5 minutes** left and **1-minute** left. When I call time, you are to stop writing immediately.

ID #: ___ ___ ___ ___ ___

Each of the first 6 questions consists of a hypothetical which describes a situation from which a particular criminal charge is likely to be brought and which is, therefore, governed by a specific rule of law. Each question requires that you identify the specific rule, or rules, that will control the result and requires a short answer, written in the following form:

> Your answer must be a concise, proper analysis that includes: (1) Your statement of the likely result; (2) followed by an explicit statement of the governing rule of law; (3) followed by your application of that rule to the specific facts of the situation.

Limit your answer to the space provided. I will not read anything written beyond the lines provided. Pay particular attention to the call of the question.

QUESTION 1: Two friends decided to play catch with a baseball from opposite sides of a busy street. The friends threw the ball across the street to each other for approximately twenty minutes nearly hitting several cars, pedestrians and bicycle riders several times. As one of the friends wound his arm up to hurl the ball across the street once more a bicycle rider came along. The ball hit the bicycle rider in the neck but did not injure the rider in any way. Annoyed, the rider flipped the ball to one of the friends and said, "You guys should probably take this game off the busy street."

What common law crime has the friend committed? (This Question is worth **10 Points) Limit your answer to the space provided**.

Turn the Page for The Next Question

QUESTION 2: A husband and a wife were chronic alcoholics. One afternoon the husband drank a fifth of bourbon and was drunk when his wife returned home from work. When the wife saw her husband's condition, she got very angry because they had planned to go out to dinner and celebrate their wedding anniversary. While the husband was passed out on the living room couch, the wife decided to fix herself a martini. After drinking two martinis, the wife became extremely inebriated. A short while later, the wife began preparing a third martini and tried to slice a lemon for the drink. As she did so, the knife slipped, and she cut her hand severely. With blood gushing from the wound, the wife called her husband to help her. He awoke momentarily, stood up, but fell back on the couch and passed out. He failed to render any assistance, and the wife bled to death.

If the husband is charged with involuntary manslaughter what would the prosecution have to prove in order to properly convict him and what possible defense could the husband raise? (This Question is worth **15 Points) Limit your answer to the space provided**.

Do Not Write In This Space

Turn the Page for The Next Question

QUESTION 3: A defendant hated his boss, who had recently demoted him to a less prestigious position. Late one afternoon, the defendant saw his boss walking down the hallway. The defendant pulled out a gun and fired four shots at his boss. Although none of the bullets directly hit his boss, one of the shots ricocheted against a wall and struck the boss in the bead killing him instantly.

What is the most serious common law crime the defendant can be properly convicted of?

(This Question is worth **15 Points) Limit your answer to the space provided**.

Do Not Write In This Space

Turn the Page for The Next Question

QUESTION 4: A blacksmith ran a small forge in a tourist attraction depicting village life in the 1800s producing small metal trinkets for sale as souvenirs. A tourist came into the forge and started ridiculing the blacksmith, telling him that he was foolish for practicing such an out of date trade when modern equipment could produce the same trinkets faster and far more cheaply. Although he maintained a calm demeanor, the blacksmith was enraged by the time the customer finished and headed back out the door. He picked up an anvil and hurled it in the general direction of the customer. The anvil fell harmlessly to the ground after traveling maybe a foot.

What common law crime has the Defendant committed?

(This Question is worth **20 Points) Limit your answer to the space provided**.

Do Not Write In This Space

Turn the Page for The Next Question

QUESTION 5: Victim, a quadriplegic as a result of an accident, is in a permanent coma at a nursing home, and has been so for two years. During a routine physical examination, it is discovered that victim is four months pregnant. Victim is not married, nor does she have a boyfriend. The Nursing home director states, "Someone is guilty of rape." Is he correct? Support your answer with a proper analysis.

(This Question is worth **10 Points) Limit your answer to the space provided**.

Do Not Write In This Space

Turn the Page for The Next Question

QUESTION 6: A driver stopped at a red light in his home state. A stranger opened the passenger door, got in and pointed a gun at the driver. The stranger then directed the driver to keep driving. They drove several miles, crossed into a neighboring state, and drove several more miles. When they reached a remote location, the stranger ordered the driver to pull over. The stranger then robbed the driver of his wallet and cash and ordered him out of the car. The stranger drove off in the driver's car.

In a jurisdiction that follows the Model Penal Code assume that the stranger has been charged with robbery (assault is a lesser-included crime of robbery) as well as larceny of the driver's car.

Can the stranger be properly convicted of any other crime? (This Question is worth **10 Points)** **Limit your answer to the space provided**.

Do Not Write In This Space

Turn the Page for The Next Question

QUESTION 7: (**a**) (**b**) (**c**) & (d) **are each worth 5 points for a total of 20 points**.

a). For the mnemonic: "**BEST FARM CALF**" fill in the proper Specific Intent Crimes:

B_____ F_____ C_____

E_____ A_____ A_____

S_____ R_____ L_____

_____ by T_____ M_____ F_____

b). At Common Law the General Intent Crimes were:

1._____ 4._____

2._____ 5._____

3._____ 6._____

c). Please fill in the Basic Elements of a Crime:

1._____ 4._____

2._____ 5._____

3._____

d). Correctly define Involuntary Intoxication:

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