

Empire College School of Law
Criminal Law
Fall 2009 Midterm
Professor Pozzi
December 9, 2009

Question One (One Hour)

Zena wanted to impress her co-workers and wear a new fur coat to the office holiday party that her boss, Bossy, was hosting. The morning of the party, Zena went to Clo's Outer Wear's (COW'S) and picked out a beautiful zebra coat. Not having the money to pay for the coat, she ripped off the security sensor, causing a hole in the hem. She wore the coat out of the store undetected. Zena saved the tags with the intent to return the coat the following day.

Later that evening, Zena went to Bossy's house and was greeted with "Ooh's and Ahh's" over the beauty of the coat. While she was laying the coat down on Bossy's bed, she noticed a ring on his dresser in a small dish. She recognized it as the one that she had lost a week earlier. Thinking that Bossy must have stolen it, she quickly grabbed the ring and placed it into her purse. Actually, Bossy has purchased the ring for Zena as a gift to replace the one that went missing.

Angry over the ring, Zena approached Bossy and smacked him in the face. She then decided to leave and went to retrieve the zebra coat from Bossy's bedroom. In her haste, she inadvertently grabbed Anna's faux zebra coat.

After all of the guests had left the party, Bossy noticed the zebra coat on his bed. Perplexed as to why he was hit by Zena, he decided to use the coat as a rug until she claimed it.

The next morning, Zena attached the tags to the coat and went to COW's to return it and obtain money. Dena, the clerk, recognized that the coat was not real zebra and refused to give Zena the money. Frustrated, Zena grabbed a handful of cash from the cash drawer and ran from the store. Dena gave chase until she slipped and fell conking her head on the hard floor. She died as a result of the fall.

What crime or crimes have been committed by the parties, if any? Answer at modern and common law.

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Question Two (One Hour)

Amy, an arduous bargain hunter, endures the crowds every year for the after-Thanksgiving-day-sales at Cowmart. Knowing that hundreds of people will be waiting for the doors to open, Amy wore her steel-toe boots in case anyone got in her way. Amy's goal was to buy the hottest toy this holiday season – an electronic Zhu Zhu pet hamster.

As the crowd waited for the doors to open, Amy noticed another shopper, Velma, wearing a shirt that said "Zhu Zhu or bust!" Velma pointed her finger in Amy's face and told her that she was going to clean Cowmart out of Zhu Zhu's. Knowing the Zhu Zhu's are in high demand, Amy wanted to get to the toy isle before Velma. When the doors finally opened, Velma surreptitiously pushed her way in front of Amy. Angered, Amy used her steel-toe boots to kick Velma out of her way. Subsequently, Velma fell to the ground and was trampled by the mob of frenzied shoppers. Amy saw Velma fall, yet she knew if she wasted any time the Zhu Zhu's would be sold out. While some shoppers offered to help her up, Velma refused their assistance, stating that she wasn't going anywhere until Amy helped her up. She stubbornly laid on the ground until a stampede of customers trampled her to death.

Amy searched the toy isle only to find all of the Zhu Zhu's already gone. Furious, Amy saw an old lady, Gretel, with 10 Zhu Zhu's in her motorized cart. As Amy went to grab one of the Zhu Zhu's out of the basket of her cart, Gretel pretended to smack Amy's hand away. Angry that Gretel almost hit her hand and even angrier that she was being selfish by taking 10 Zhu Zhu's, Amy pushed Gretel out of her cart causing Gretel to fall to the floor. Amy got in Gretel's cart, drove it over Gretel's finger, severing the tip of the pinky finger. Amy drove it to the checkout line, buying all 10 Zhu Zhu's. Amy abandoned the cart outside of the Cowmart, wherein it later disappeared.

In the parking lot, Craig was approached by Dave who offered to sell him a new Zhu Zhu pet for half-price. Craig bought the Zhu Zhu, thinking he could save a few bucks. Later, however, he discovered the Zhu Zhu was a knock-off and worthless.

What crime or crimes have been committed by the parties, if any? Discuss both common and modern law.