

Question One – One Hour

Ali, Caitlyn and Barry lived in Sonoma County. They did not know that County had an ordinance making it a misdemeanor for any person to discharge fireworks.

One 4th of July evening, they decided to shoot fireworks off of Ali's balcony into the field below. Barry told the others that he was concerned that the dry grass may catch fire and that he did not want to participate any longer, but he continued to watch. Caitlyn and Amy were having too much fun and did not heed to Barry's concerns. The last one discharged caught the grass on fire and a bizarre unexpected wind blew the increasing flames north toward Donna's house.

Ed, a fireman, promptly responded and saw that it was Donna's house. He arrived in time to extinguish the fire, but he was angry that Donna refused him for a date a week earlier. He watched as the house burned. Donna was able to escape but her boyfriend, Frank, did not make it out and died of smoke inhalation. Donna, distraught, eyed a bottle of tequila through her neighbor, Gale's, window. She told Ed that if he got her the bottle, she would go on a date with him. Ed blasted the water hose through Gale's window and grabbed the bottle for Donna. Donna guzzled the bottle of tequila down in one gulp. Drunk, Donna waddled to Ed's fire truck, pushed him off, hopped in, turned on the siren, and took off before Ed could stop her. She got around the block before the truck came to a halt after running over Ali's mailbox.

Do not analyze the **substantive crime** of the Firework Discharge Ordinance or Driving while under the Influence of Alcohol.

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

Question Two – One Hour

Andy and Barbara became empty nesters when their son, Caiden, went away to Harvard for College. Andy and Barbara each had to work three jobs to pay for Caiden's tuition. Barbara had dreamed that her golden years would be work, stress, and debt free, but with Caiden's rising tuition costs and talk of going on to law school, she saw no end in sight. To make her life easier, she decided to add a little arsenic to the brownies that she always included in a monthly care package she sent to Caiden. Her hope was that he would become so ill, that he would quit school, and she could fulfill her dreams. She did not have the heart to cut him off financially.

After she sent off the care package, she told Andy about her plan. He became so irate that he smacked her down causing her head to hit large cow statuary, taking out a large clump of scalp and hair. Upon further reflection, he apologized and agreed that it was a brilliant idea.

The next day, Caiden decided to fly home and surprise his parents with the news that he won the lottery, was quitting school, and had enough money for them to quit their jobs and live a happy comfortable retirement life. He arrived late that night and snuck into a lower bedroom window to surprise them. Barbara awoke to a noise and summoned Andy to check for a possible intruder. Frightened, Andy crept downstairs armed with his 357 magnum. Upon seeing a shadow of a man, Andy fired hitting Caiden square in the chest. Barbara followed behind and screamed in terror when she saw that it was Caiden, but then felt a sense of relief.

Perplexed, Barbara and Andy decided to wrap the body in a rug and bury it in the back yard. Unbeknownst to Barbara and Andy, Caiden was buried alive, but later died of asphyxiation.

The following day, David, Caiden's roommate, received the care package addressed to Caiden. He decided to open it and eat the contents before Caiden arrived back to the dorms. He ate the brownies and became very ill.

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