

Criminal Law Midterm-2011

Question 1

Issue Outline

People V. Abernathy

1. **Malicious Mischief- Rugs**
2. **Larceny-Rugs**
3. **Burglary-Breaking and Entry to exterior bulletin board**
 - a. *Intent to commit a felony upon entry?*
 - b. *Dwelling house?*
4. **Malicious Mischief/Larceny- Paper announcements and ads**
 - a. *Thing of value?*
 - b. *Intent to deprive? Intent to destroy?*
5. **Malicious Mischief/Arson of St. Cow's**
 - a. *Malice?*
 - b. *Dwelling?*
 - c. *Sufficiency of charring?*
6. **Malicious Mischief of Glass at Cow's**
7. **Larceny- Fire Extinguisher and or Cash drawer with \$500.00**
 - a. *Intent to deprive?*
8. **Burglary- Cow' s**
 - a. *Felony therein?*
 - b. *Dwelling of Bartholomew?*
9. **Unlawful Homicide- of Bartholomew**
 - a. *Felony Murder? What felony? Inherently dangerous felony-modernly?*
 - b. *Mitigate to involuntary manslaughter*

People V. Carmichael

10. **Assault and/or Battery- on Abernathy**
 - a. *Attempted battery? Preparation vs. Perpetration-substantial step toward commission of crime?; specific intent to batter?: broken bones, bruises*
11. **Mayhem- Abernathy's severed finger**
 - a. *Malice?*
12. **Robbery/ larceny- \$500.00 from Abernathy's pocket**
 - a. *Force, fear, or violence?; Mistake of fact (of death) a defense?*
13. **Burglary of Dora's/ Intent to obtain diamonds by false pretenses?(Bonus)**
14. **a. Modern vs. C.L: intent upon the entry?**

People V. Dora

14. **False Pretense of money- from Carmichael**
 - a. *Intent to pass title and possession (despite unlawful possession)?*

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Question 2

Issue Outline

People V. Xena

1. **Burglary- Tuesday of Victoria Secret**
 - a. Common law v. Modern Law
 - b. Intent to commit a felony upon the entry?
 - c. Day time/nighttime?
2. **Larceny-Damaged undergarments**
 - a. Thing of Value?
3. **Attempted Robbery, larceny, Burglary of Victoria Secret on Wednesday?**
 - a. *Preparation vs. perpetration/substantial step toward commission of crime?*
4. **Assault/Battery- Throwing a grapefruit at Yenia**
 - a. *Attempted battery? Apprehension of receiving a battery?*
 - b. *Intent to deprive? Intent to destroy?*
5. **Larceny- Bicycle**
 - a. Lost vs. abandoned property/Clue to ownership?
 - b. Intent to permanently deprive?

People V. Zappy

6. **Assault/Battery- Pulling Xena off of the bicycle**
7. ***Homicide of Xena- Lawful or unlawful?***
 - a. *Murder vs. involuntary manslaughter?*
8. ***Attempted Voluntary Manslaughter/Murder of Aloysious/assault and/or battery***