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People v. Sam

Forgery of the park registration

Forgery is the false writing or signing of a legally significant document.

Here, Sam took the document need for access into the park and falsy gave an incorrect address and signature on the form, knowing it to be false.

Sam is guilty of forgery.

Uttering a forged document

Uttering a forged document is representing or holding out a document to be true that was falsely made.

Sam used the document he forged with an incorrect address and signature and respresented it to be accurate in order to claim he had valid entry into the park.

Sam is guilty of uttering a forged document.

False Pretenses of the wood bundle

False pretenses is the false representation of a past of present material fact that causes the victim to pass title to the wrongdoer, who know the statement to be false and intends to defraud.

When Sam entered into the general store, he knew he did not have enough money for both bundles of wood and intended to defraud the cashier so he could get two. He falsey made the statement that there was a two-for-the-price-of-one sign to the cashier, who believed his statement to be true. The cashier then passed title of the wood to Sam based on this false representation of fact of price.

Sam is guilty of false representation for the one bundle of wood.

Larceny of the matches

Larceny is the trespassory taking and carrying away of the personal property of another with the intent to permanently deprive.

In the present case, Sam grabbed a box of matches off the shelf without consent and walked away meeting the elements of trespassory taking andd carrying away of the property of the store. With Sam intending to use them we can imply he intended to permanently deprive the store of the property. Sam will raise a defense that he was

mistaken in that he thought the matches were free. However, mistake of fact is not a valid defense in larceny.

Are you sure he had an intent to steal?

Therefore, Sam is guilty of larceny.

Burglary of the general store

Burglary is the breaking and entering into the dwelling of another at nighttime with the intent to commit a felony therein.

There are no facts to suggest that the general store qualifies as an inhabited dwelling of anyone or that this occurred during the nighttime.

Therefore, Sam did not commit common law burglary.

Modernly, burglary no longer requires a breaking or nighttime and the dwelling element has been extended to any structure. In addition, the felony element modernly includes any theft related offenses.

Excellent

Before Sam entered the general store, he had devised his plan to defraud the store in order to gain fire wood by means of false pretenses supra. When he walked into the store entered the structure of another with the intent to commit the theft offense of false pretenses within.

Sam is guilty of burglary *modernly*.

Breach of the Peace at the campsite

Breach of the Peace is the intentional destruction of the tranquility and peace of the community.

Here, Sam played loud music at the campsite which was shared by others within the camping community. This disturbed the other campers environment which caused them to ask for Sam to turn the music down. Sam did not comply and continued to violate the peace of the community.

Sam is guilty of Breach of Peace.

Malicious Mischief of the tent

Malicious mischief is the malicious destruction or damage to the property of another, whether real or personal.

Sam took his knife and intentionally slashed the tent belonging to Will and Nick, thereby damaging it.

Sam is guilty of Malicious Mischief.

Assault with a deadly weapon of Nick and Will

Assault is an attempted battery. *Modernly*, assault is placing another in fear or apprehension of receiving an imminent battery.

Sam had a knife in his hand when he deliberately pointed it at Nick and Will while making the threatening comment to "mind their own business."

It does not appear that Sam intended to actually apply any force or touching to Nick or Will, therefore, he is not guilty of assault at common law.

Sam's gesture with the knife coupled with his words likely put Nick and Will in fear or apprehension of a battery by Sam. Same is guilty of assault *modernly*.

good

People v. Nick and Will

Assault

Assault defined supra.

Nick and Will jumping Tom and beating him was sufficient for to place Tom in apprehension of a battery.

They are guilty at common law and modernly of assault.

Battery

Battery is the unlawful application of force onto the person of another resulting in bodily injury or and offensive touching. Unlawful means unconsented to.

Nick and Will intentionally punched and wrestled Tom, causing injuries.

They are guilty of battery.

The assault and battery will be merged into the murder charge infra.

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Homicide of Tom

Homicide is the lawful or unlawful death at the hands of another.

Tom died as a result of the injured sustained from the punches of Nick and Will.

Nick and Will are culpable for Tom's death.

Muder

Murder is the intentional killing of another human being with malice aforethought.

Malice is a man endangering state of mind and comes in two forms: express and implied.

Espress malice is acting with specific inent to kill.

Here, Nick and Will jumped and punched Tom belieieving him to be Sam with the intent to "make a point." Nothing indicates the specifically intended to kill Tom.

Implied malice occurs when one intends to inflict great bodily injury or acts with a wanton and willful disregard for the value of human life.

Nick and Sam intended to jump, wrestle, and continuously punch the victim until he reached unconsciousness. This type of beating raises to the level of intent to inflict great boodily injury and death is a reasonably foreseeable result of this beating.

Nick and Will are guilty of Murder through the theory of implied malice.

Felony Muder: malice will also be implied when death occurs during the commission or attempt of a felony.

inherently dangerous felony?

Here, Nick and Will were committing an assault and battery when the death of Tom resulted.

Nick and Will are guilty of murder through the theory or the Felony Murder Rule as well.

Nick and Will may bring up the defense of mistake of fact as they thought Tom was actually Sam and had no intent to harm Tom. However, mistake of fact will not be an excusable defense to murder.

Voluntary Manslaughter

Voluntary manslaughter is the intentional killing of another human being without malice aforethought. It comes in two forms: heat of passion and imperfect self defense.

Heat of passion requires sudden provocation, no cooling off period, and a reasonable person would react the same. While they were previously provoked by Sam- his provocation was not adequate, they had cooling off time, and ultimately the victim was not Sam but his twin Tom.

Imperfect self defense is the subjective belief that lethal force is needed for self preservation but it is objectively unreasonable. Nothing in the facts indicated Tom was a threat to Nick and Will.

Nick and Will are not culpable of Voluntary Manslaughter.

Involuntary Manslaughter

Involuntary Manslaughter is the unintentional killing of another human being without malice. Comes in two forms: criminal negligence and misdemeanor manslaughter.

The act of beating Tom was intentional. Therefore, the death did not occur from any unintentional act of the defendants.

Nick and Will and not culpable for involuntary manslaughter.

END OF EXAM

Excellent job. Great issue spotting and perfect format.
You did well managing your time, as well.