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===== Start of Answer #1 (1648 words) =====

People v. Freddie(F)

Is F guilty of larceny of the fire wood?

Larceny is the trespassory taking and carrying away of personal property of another with the intent to permanently deprive. F grabbed the wood right next to a house. although he thought the house was abandoned he did not know for sure, and needed to try and find the owner before taking. The taking was clearly with our Georges consent and F's intent was to burn the wood which would have made the return of the wood impossible

F would be guilty of larceny of the wood

Is F guilty of Burglary when he entered George's house?

Burglary is the trespassory breaking and entering of the dwelling house of another at night with the intent to commit a felony (therein). Modernly the elements of breaking, entering, and night are not required and it is expanded to include any theft related offenses. By opening the window he satisfied the breaking element and he clearly enters the house. The facts state that this all occurred at night. This appears to be george's summer home, and since it was winter his winter home would be his dwelling house. If this is the case the dwelling element would not be satisfied.

If the dwelling house element is not satisfied then F would not be guilty of burglary at common law

Also it is unclear of what his intent was, but based on the facts that he broke in to build a fire and stay warm it is not unreasonable to say that he had intent of larceny of the papers and magazines(discussed below). If he intended on committing a larceny when

he entered the house he could be found guilty of modern law burglary. He entered a building with the intent to commit a larceny.

If he had intended on committing larceny when he entered the house he would be guilty of a modern law burglary

Is F guilty of larceny of the toilet paper and magazines?

Larceny supra

F clearly intended to permanently deprive George of these items when he set them on fire. After the burning there is no way they could be returned to George. He did not have consent. While he thought the house was abandoned it is unreasonable to think this way. Very few homes these days are abandoned with items still left in them such as wood toilet paper etc.

F would be guilty of larceny of the papers

Is F guilty of malicious mischief of the toilet paper magazines and fire wood?

MM is the malicious destruction or damage to the personal property of another. The malice is a property endangering state of mind. Clearly F had the intent to destroy all these items knowing they would burn up in the fire.

F is guilty of MM

Is F guilty of arson when he burned George's home?

Arson is the malicious burning of the dwelling house of another. The malice is a dwelling house state of mind, and can be expressed or implied. It was Not F's intent to

burn down the house but lighting a fire in the middle of a room it can be implied the house would burn down, but in arson the dwelling home is the same as in burglary. So if it is determined that George's house was not his dwelling house then it would not be arson

F is probably not guilty of arson of George's home

Is F guilty of arson of Harry's home?

Arson supra

As discussed above it can be implied that F had implied malice of burning the house. It can also be implied that if a fire is started and a house burns down it is very likely the next door neighbors house will burn down to. This appears to be Harry's dwelling house as he was there in the winter.

If the malice can be implied to the burning of the neighbors home F will be guilty of arson

Is F guilty of mayhem of Harry's Finger?

Mayhem is the malicious dismemberment or gross disfigurement of the body part of another. The malice is a limb endangering or substantial scarring state of mind. The loss of Harry's finger would be enough to satisfy the dismemberment element. But It is clear F never had intent to do this. While the intent for the arson can be implied by his actions it can not be used to satisfy the intent in mayhem as it was not a likely result of an arson

F would not be guilty of mayhem

Is F guilty of larceny of the blanket?

Larceny supra

When F took the blanket he had no intent on returning to the home as it was on fire. So it can be assumed he intended to keep the blanket or make its return to George impossible

F is guilty of Larceny of the blanket

People v Iggy(I)

Is I responsible for the homicide of Freddy?

Homicide is the killing of one human being by another. It can be lawful or unlawful. Lawful homicide can be excused or justified. Unlawful homicide can be murder. Clearly I's actions were the cause of F's death.

I is responsible for F's homicide

Is I guilty of murder?

Murder is homicide with malice aforethought absent, excuse justification, or mitigation. The malice is a person endangering state of mind and can be implied or expressed. Express malice is the intent to kill. Clearly I had no intention of killing F. He was just driving his car and did not see F.

I is not guilty of implied malice murder

Implied malice comes in 3 forms. First is the felony murder rule(FMR) and happens when someone dies in the commission of an independent and separate felony. Modernly the felony must be inherently dangerous in the abstract and it does not

include the common law felony of larceny. the 2nd is a wanton willful and total disregard for the value of human life and someone dies. the third is a intent to inflict great or serious bodily injury. C The facts do not show that any of these 3 forms apply. It appears I was driving normal, and was just watching the fire. So he did not have a total disregard for anyones life. He was not trying to inflict great or serious bodily injury. And the FMR only applies to the person committing the felony. F was the one committing the felony so I would not be guilty under the FMR.

I would not be guilty of implied malice murder

Is I guilty of Manslaughter?

Manslaughter is an unlawful homicide without malice aforethought and it can be voluntary(VM) or involuntary(IM).

Express malice murder can be mitigated down to VM and implied malice murder can be mitigated down to (IM).

VM comes in 2 forms. the first is the heat of passion, where the person is acting out of passion not reason, there is no cooling off period, legally adequate provocation, and the casual connection of all 3 when the person dies. The second form is imperfect self-defense where subjectively the person believes to be acting in perfect self-defense but it is unreasonable to think that way and the person dies. It can also occur when one uses excessive force where the law would have allowed some and the person dies. There is nothing in these facts that show he would be guilty of VM

I would not be guilty of VM

IM comes in 2 forms. The first is criminal Negligence where the person is acting lawfully without due caution or circumspection and someone dies. The second is the misdemeanor manslaughter rule where in during an unlawful act usually not a felony

the person dies. I was not acting unlawfully. he was just driving his car so this prong would not apply. A strong argument can be made that I was acting criminally negligent. A driver must watch for pedestrians at all times. I would argue that the fire was a big distraction and while he was acting negligently it was not to the standard of criminal.

It must be determined if I was acting criminally negligent or just negligent. This determination will decide if I is guilty of IM or if the homicide was excusable.

Is I guilty of larceny of the blanket?

Larceny supra

I takes the blanket and he intends to keep it believe it was his. Since he did believe it was his he would have a defense against a charge of larceny. Taking something that one believes is his even though he is wrong is enough not to convict someone of larceny because they do not have the intent at the time of the crime to permanently deprive.

I would not be guilty of Larceny of the blanket.

Is I guilty of assault?

Assault common law is an attempted battery. Modernly it is placing another in apprehension or fear of receiving a battery.

An attempt is a step beyond preparation into the zone of perpetration and or a substantial step towards the commission of a crime

Battery is the unlawful application of force upon another. I Kicks F while on the ground. This would be enough to find him guilty of assault and battery. However F is already dead. YOu can not assault someone who is dead. it is a legal impossibility.

A legal impossibility is where the person does all the steps necessary to commit the crime but the completion of the act is not a crime at all.

Factual impossibility is where the person does all the steps necessary to commit the crime but facts unknown to him will make the completion impossible. You still can be found guilty of an attempt if this is the case

Because F is dead this would make an assault a legal impossibility and he would not be guilty.

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==== End of Answer #1 =====

2)

===== **Start of Answer #2 (1628 words)** =====

People v Cal (C)

Is C guilty of assault when he pushed Ande(A)

Assault at common law is an attempted battery. Modernly it is placing another in apprehension or fear of receiving a battery.

An attempt is a step beyond preparation into the zone of perpetration and or a substantial step towards the commission of a crime

Battery is the unlawful application of force upon another.

Clearly C intended to push A. This would be enough for the application of force.

C would be guilty of assault at common law

It is unclear from the fact pattern if A knew about the push. If she did not see that he was about to push her then she could not be in apprehension of the battery. If she did then it can be assumed that she was placed in apprehension.

More facts are needed to determine if C is guilty of assault modernly.

Is C responsible for Eddy's homicide?

Homicide is the killing of one human being by another. It can be lawful or unlawful. Lawful homicide can be excused or justified. Unlawful homicide can be murder. C's action set in motion the events that lead to the death of Eddy.

C is responsible for the homicide of Eddy.

Is C guilty of murder?

Murder is homicide with malice aforethought absent, excuse justification, or mitigation. The malice is a person endangering state of mind and can be implied or expressed. Express malice is the intent to kill. Implied malice comes in 3 forms. First is the felony murder rule (FMR) and happens when someone dies in the commission of an independent and separate felony. Modernly the felony must be inherently dangerous in the abstract and it does not include the common law felony of larceny. The second is a wanton willful and total conscious disregard for the value of human life. The third is the intent to inflict great or serious bodily harm (GBI) and the person dies.

C's intent was clearly not to kill Eddy who he probably didn't even know was there.

C would not be found guilty of express malice murder.

The FMR would not apply here because C was not in the commission of any felony. He did not intend to inflict GBI on Eddy or anyone else. An argument could be made that he was showing a wanton willful and total conscious disregard for the value of human life. But it appears in the facts that his conduct had not quite reached that level.

C would most likely not be guilty of implied malice murder.

Is C guilty of manslaughter?

Manslaughter is an unlawful homicide without malice aforethought and it can be voluntary (VM) or involuntary (IM).

Express malice murder can be mitigated down to VM and implied malice murder can be mitigated down to (IM).

VM comes in 2 forms. The first is the heat of passion, where the person is acting out of passion not reason, there is no cooling off period, legally adequate provocation, and the causal connection of all 3 when the person dies. The second form is imperfect self-defense where subjectively the person believes to be acting in perfect self-defense but it is unreasonable to think that way and the person dies. It can also occur when one uses excessive force where the law would have allowed some and the person dies. The facts do not state anything that would conclude VM.

C would not be guilty of VM.

IM comes in 2 forms. The first is criminal negligence where the person is acting lawfully without due caution or circumspection and someone dies. The second is the misdemeanor manslaughter rule where in during an unlawful act usually not a felony the person dies.

Clearly C was not acting lawful He assaulted and batted Ande. SO he was not being criminally negligent. But it would fall under the misdemeanor manslaughter rule. His push of A set in motion a series of events that lead to the death of Eddy. So while in the committing a battery eddy died.

C would be guilty of IM.

Is C guilty of false pretenses when he used A's credit card

False pretenses is obtaining property by fraud where the owner intends to pass title. The store intended and did pass title of the watch and the did this under the assumption that it was C's credit card.

C is guilty of false pretenses.

Is C guilty of larceny of A's credit card

Larceny is the trespassory taking and carrying away of personal property of another with the intent to permanently deprive. C took the credit card with out consent and carried it away. Since he used it to buy the watch he probably had no intent to return therefore It would make it near impossible for A to get it back. Based on these facts it does appear C's intent was to permanency deprive

He would be guilty of larceny

Is C guilty of burglary when he entered the store to commit false pretenses?

Burglary is the trespassory breaking and entering of the dwelling house at night with the intent to commit a felony (therein). Modernly the elements of breaking dwelling and night are not needed and it is expanded to include any theft relate offenses.

Clearly it is not a common law burglary as there was no dwelling, breaking and it was during the day.

C is not guilty of common law burglary.

However modernly those elements are not needed and he took A's credit card out side. So if he decided at the time of the taking of the credit card to use the card to purchase the watch under false pretenses he would be guilty of modern law burglary. He clearly entered the building and if he had intent he will be guilty.

More facts are needed to determine if he had the intent at the time of the entrance to commit false pretenses to determine if he is guilty of burglary.

Is C guilty of burglary when he attempts to switch the watches?

Burglary supra

The facts do not state if he had to open the window to get his arm in. the reaching of the arm is enough for the entry. It is at night. He has intent to either commit larceny of the watch or the 100 dollar bills at the time of the entry and it is A's dwelling house. So if he did any sort of breaking he would be guilty of common law burglary. Modernly he does not need to break and all the other elements are met so he would be guilty modernly as well.

C is guilty of burglary at common law and modern

Is c guilty of larceny of the 100 dollar bills?

Larceny is the trespassory taking and carrying away of personal property of another with the intent to permanently deprive. He clearly has the intent to permanency deprive A of the bills. But the property must be a thing of value and since the bills were fake the

had no value.

C would not be guilty of Larceny

Is C guilty of attempted larceny when he plans to switch watches?

Larceny supra

Attempt supra

Clearly his intent was to take the watch. He never intended on giving it back because he wanted a real one not a fake watch. By walking over to the house and trying to find a way in should be enough to take the his preparation into the zone of perpetration. Plus walking over to the home and looking for a way in is a substantial step towards the commission of the crime

C is guilty of Attempted larceny

People v. Bob

Is Bob guilty of false pretense when he sold the fake watch?

false pretenses supra

Bob sold the fake watch in order to obtain the money from C. C intended to pass title of his money to bob.

Bob is guilty of false pretenses.

Is bob guilty of burglary when he sold the fake watch?

Burglary supra

Clearly this is not a common law burglary as most of the elements are not met. But modernly he entered the building with the intent to commit false pretenses. Bringing the watches into the building clearly shows he intended on selling them and obtaining money by false pretenses. So the entry building and theft related elements are all met

Bob is guilty of modern law burglary

is bob guilty of false pretense when he obtains more money than he should from A?

False pretense supra

By lying to A about the watch Bob could be guilty of false pretense. He was using fraud to obtain money that he should not have gotten.

Bob will most likely be guilty of obtaining money by false pretense.

People v. A

Is A guilty of forgery when she made the 100 dollar bills?

Forgery is the fraudulent making of false documents that have apparent legal significance. No doubt A made the bills and they clearly had apparent legal significance as the store and C thought they were real.

A is guilty of forgery

Is A guilty of uttering when she gave the store the bills?

Uttering is knowingly offer as genuine something that is fraudulent made. The uttering

is complete as soon as the passing happens even if promptly rejected. A knew the bills were fake cause she made them. As soon as she handed it to the cashier she was guilty

A is guilty of uttering

Is A guilty of false pretenses when she buys the watch?

False pretense supra

When A obtains the watch with fake bills she satisfied the fraud element and clearly the store intended to pass title of the watch to A

A is guilty of false pretense.

==== End of Answer #2 =====
END OF EXAM