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===== Start of Answer #1 (3958 words) =====

90%

People v. Jesse

Is Jesse guilty of Conspiracy to commit Burglary / Larceny of Michael's home?

Conspiracy is an agreement between two or more persons for an unlawful purpose.

Modernly, conspiracy also requires an overt act in furtherance of the crime to be committed.

Here, Jesse told Scott that the plan was to "rob Michael's house because there was a safe full of money inside."

Scott didn't want to rob Michael, but by following Jesse to the door, he impliedly consented to the conspiratorial plan.

The overt act, modernly, was walking to the door of the house and attempting to gain entry.

Therefore, Scott and Jesse are guilty of Conspiracy, both at common law and modernly.

Is Jesse guilty of Burglary of Michael's Home?

Burglarly is the trespassory breaking and entering into the dwelling of another in the nighttime with the intent to commit a felony (therein).

Scott was trespassing, as the property belonged to Michael. It is immaterial that Jesse had a key to Michael's house, as the key was for emergencies, and its use for other reasons would be trespassory. The summer house is Michael's home, which he presumably returns to every summer, therefore making it a dwelling home. It was nighttime and "dark" when Jesse and Scott arrived, and Jesse's breaking of the window is a sufficient breaking at common law. Jesse intended to commit larceny upon the entry by stealing money from a safe.

Therefore, Jesse will be found guilty of common law burglary of Michael's summer home.

Modernly, burglarly no longer requires the elements of dwelling, nighttime, or breaking, and its list of

felonies has been broadened to include any theft related offense (false pretenses and embezzlement).

Jesse entered Michael's home without Michael's consent and intended to commit larceny of the money in the safe.

Therefore, Jesse would also be found guilty of burglary, *modernly*.

Is Jesse guilty of Attempted Larceny of the money in Michael's safe?

An Attempt is a substantial step toward the commission of a crime, and/or an act beyond preparation into the zone of perpetration.

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

Here, Jesse entered the house by committing burglary (*supra*), which is by trespass. By trying to open the safe, but being unable to, he took a substantial step toward the commission of the a crime (the larceny of the money). Jesse intended to permanently deprive Michael of the money in his safe.

Therefore, Jesse is guilty of Attempted Larceny of the money in Michael's safe.

Is Jesse guilty of Malicious Mischief of the pane of glass?

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

Here, Jesse intended to and did break the small pane of glass in order to enter the home. The home belonged to Michael, and the glass was a fixture within that home.

Therefore, Jesse will be guilty of Malicious Mischief of the glass.

Is Jesse guilty of Malicious Mischief of the cow shaped vase?

Malicious Mischief, *supra*.

Here, Scott fainted when he saw Frank and knocked over the cow shaped vase, shattering it. Although Scott knocked it over, Jesse is responsible for foreseeable crimes that are the natural and probable

consequences of the crime conspired to. Malicious Mischief is a natural and probable consequence of burglary and larceny. However, Scott had no express malice when he broke the vase, since he involuntarily knocked it over upon fainting.

The crime of malicious mischief can only be completed with malice, express or implied. Here, neither malice exists.

Therefore, Jesse will not be guilty of Malicious Mischief of the cow shaped vase.

Is Jesse guilty of Assault when he kicked at Scott?

At common law, Assault is Attempted Battery. Attempt, *supra*. Battery is the unlawful application of force upon the person of another.

Here, Jesse intended to kick Scott. The kicking was unlawful in that it was not consented to.

Therefore, Jesse will be guilty of Assault, at common law.

Modernly, however, Assault is placing a person in fear or apprehension of receiving a battery.

Scott was unconscious, having fainted, and so could neither fear nor apprehend Jesse's incoming battery.

Therefore, Jesse would not be guilty of Assault, *modernly*.

Is Jesse guilty of Battery when he kicked Scott?

Battery, *supra*.

Here, Jesse did kick Scott, which was an unlawful application of force to Scott's person, as Scott did not consent.

Therefore, Jesse will be guilty of Battery.

Is Jesse guilty of Assault when he pointed the gun at Frank?

Assault, *supra*.

Here, Jesse both pointed the gun at Frank and proceeded to pistol whip him.

Therefore, at common law, Jesse is guilty of Assault.

The facts are silent as to whether or not Frank feared or apprehended the battery.

Therefore, Jesse may or may not be guilty of Assault, *modernly*, depending on whether or not Frank feared or apprehended the battery.

Is Jesse guilty of the Attempted Murder of Frank?

Attempt, *supra*. Murder, Manslaughter *infra*.

Here, Jesse pistol whipped Frank until he thought he was dead. Therefore, Jesse intended to kill Frank.

Express Malice Murder is intent to kill.

Therefore, Jesse is guilty of the attempted murder of Frank.

Jesse has no defenses to this crime.

Is Jesse guilty of the Unlawful Homicide of Scott?

Homicide, murder, manslaughter, *infra*.

Scott was in the commission of a felony (at common law, Larceny) when Frank shot and killed him. Co-Conspirators are responsible for deaths caused in during their crimes. However, under the Washington/Redline majority view: a co-conspirator cannot be found guilty of implied malice murder under a theory of felony murder for co-conspirators killed by either the victim's or those trying to prevent the conspiracy, or those charged with its prevention (police, security guards).

Here, Frank was a security guard, and thus Jesse cannot be found guilty under a Felony Murder Analysis.

However, at *modern law*, the Felony Murder Rule only covers felonies that are inherently dangerous in the abstract. Larceny is not inherently dangerous in the abstract. As a result, the larceny (*modernly*) falls under the Misdemeanor Manslaughter Rule (while in the commission of a crime not amounting to a felony, and death is the proximate result.)

Therefore, Jesse is guilty for Scott's death under an Involuntary Manslaughter theory of Misdemeanor Manslaughter.

People v. Scott

Is Scott guilty of Conspiracy to commit Burglary/Larceny, Burglary, Attempted Larceny, Malicious Mischief of the Window, Malicious Mischief of the Vase, Assault of Frank, and Attempted Murder of Frank?

Scott, as a co-conspirator, will be guilty of Conspiracy to commit Burglary/Larceny, Burglarly, Attempted Larceny, and the following crimes as part of the natural and probable consequences of the co-conspiratorial plan: Malicious Mischief of the Window, the Assault on Frank, and the Attempted Murder of Frank for the same reasons that Jesse is guilty.

Scott will not be guilty of Malicious Mischief of the cow shaped vase for the same reason that Jesse is not guilty (*supra*).

Did Scott ever make an effective withdrawal of the conspiratorial plan?

An effective withdrawal is a clear communication to all members of the conspiracy.

Here, Scott was going to tell Jesse of his withdrawal, but never did. He was interrupted by Frank instead.

Therefore, Scott never made an effective withdrawal.

Is Scott guilty of Assault when Frank feared that Scott had a gun?

Assault, *supra*.

Here, Frank "Feared" that Scott may have a gun. There are no facts that suggest Scott had a gun, but he did not attempt a battery in any way on Frank.

Therefore, Scott did not commit Assault at *common law*.

However, Scott did make Frank fearful and apprehensive that Scott had a gun and would use it on Frank.

Therefore, Scott will be guilty of assault on Frank, *modernly*.

People v. Frank

Is Frank responsible for the Homicide of Scott?

Homicide is the lawful or unlawful killing of one person by another. Lawful homicide is justifiable or excusable. Unlawful homicide is murder or manslaughter.

Here, Frank shot and killed Scott.

Therefore, Frank is responsible for Scott's homicide.

Murder

Murder is the unlawful killing of one human being by another human being with malice aforethought. Malice is a man endangering state of mind. Malice may be either express or implied.

Express malice murder means intent to kill. Express malice murder may be mitigated to Voluntary Manslaughter.

Implied malice murder means that the malice state-of-mind will be supplied by acts that fall into one of the following categories:

Felony Murder Rule: While in the commission of a felony, and death is the proximate result.

Intent to Inflict Great or Serious Bodily Injury, and death is the proximate result.

Willful, wanton, Conscious disregard for the value of human life (depraved heart murder).

Implied malice murder may be mitigated to Involuntary Manslaughter.

Here, Frank did intend to kill Scott. Frank knew that Jesse had a gun, and so feared that Scott also had a gun.

Therefore, Frank is guilty of murder, absent a defense. Frank does have a defense to the murder charge, however: self-defense, defense of another's property (habitation), and perhaps even defense of habitation

itself (although Frank was not the owner, he was the security guard on duty for the silent alarm that was triggered—if this provides Frank with a right to defend the home as if it were his own, then he may also enjoy defense of habitation). Finally, he may even enjoy a defense of mistake of fact (as to the gun that Scott did not have).

Frank is necessary to use that amount of force in his defense that he reasonably believes is necessary to defend himself. He may even use deadly force when he is not the aggressor, and it is subjectively and objectively reasonable to use that level of force.

Here, Frank believed that Scott had a gun. This was during the commission of a burglary and larceny. Frank had just regained consciousness after being severely beaten with a gun. His belief that Scott was also armed is reasonable subjectively and objectively.

Therefore, Frank can assert the defense of self-defense.

Also, if Frank has a right to assert the defense of defense of habitation because he was the security guard responsible for protecting the habitation, then he also has a right to use deadly force to protect Michael's habitation.

Finally, as to the fact that Scott probably did not have a gun, Frank will enjoy the defense of mistake of fact, since his belief that Scott had a gun was reasonable (reasonableness required for mistake of fact malice related crimes).

Therefore, Frank can also assert the defense of defense of habitation, and mistake of fact.

For the preceding reasons, Frank will not be guilty of murder.

Voluntary Manslaughter

Voluntary Manslaughter is the intentional killing of another human being without malice aforethought.

There are two prongs:

1. Heat of passion killings (heat of passion, adequate legal provocation, no cooling off period, and a causal connection)

2. Imperfect Self Defense (the belief that deadly force is required but it was not objectively reasonable to use such force).

Here, Even if Frank were guilty of Express Malice Murder, he could mitigate to Heat of Passion, as his nearly being bludgeoned to death is more than sufficient provocation to evoke a heat of passion with no chance for him to cool off.

However, Frank would still enjoy all the defenses listed under Murder (supra).

Frank's defense was *not* imperfect, because it was objectively reasonable to use such force during the commission of the felony.

Therefore, Frank will also not be guilty of Voluntary Manslaughter.

Involuntary Manslaughter

Involuntary Manslaughter is the unintentional killing of another human being without malice aforethought.

It is either by misdemeanor manslaughter rule (while in the commission of an unlawful act not amounting to a felony, and death is the proximate result); or criminal negligence (while in the commission of a lawful act, without due caution and circumspection, and death is the proximate result).

Frank did not kill Scott unintentionally.

Therefore, there are no facts to support a charge of Involuntary Manslaughter.

-----END OF ANSWER ONE-----

Question 2

85%

people v kylie

Did K commit burglary when she entered tatto parlor with intent to assault and battery of Tyga?

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Burglary is the tresspassory breaking and entering into the dwelling house of another at night with the intent to commit a felony (therein). Modernly it does not require a breaking, a dwelling house, or nighttime. The felony is expanded to include any theft related offense.

In this case, it was nighttime, and K did enter the tattoo parlor with the intent to assault and batter her husband by haivng him get an unconsented to tattoo while drunk. This was not a dwelling, so this could only be modern law. There was no breaking but that's not needed for ML and there was an entry. However an assault and battery is not a felony, so that would not suffice to be committing a felony therein. However it could be inferred that she entered with teh intent to enter into a conspiracy because she would need teh tattttoo artist to agree to tattoo her husband wihtout his consent. Modernly conspiracy is a felony, so if she did enter with the intent to enter into a conspiracy, then she would be guilty of modern law burglary.

K would be guilty of modern law burglary if she entered planning to commit a conspiracy.

is k guilty of conspiracy with Saint to assault and battery of Tyga?

Conspiracy is a combination of two or more people for an unlawful purpose. It requires two intents: the intent to enter into the agreement and the intent to achieve the objective of the agreement.

In this case Saint suggests they tattoo "saint loves kylie" on tyga while he is passed out. This would be an assault and battery as discussed infra. Kylie clearly agrees, which would show that they both have the intent to enter the agreement and the intent to achieve the objective of assault and battery of Tyga.

K would be guilty of conspiracy

Is K guilty of assault of Tyga when Saint tattoos him?

Assault at common law is an attempted battery.

attempt is a step beyond preparation into the zone of perpetration

battery is the unlawful application of force upon another.

Assault at modern law is placing someone in fear or apprehension of receiving a battery.

when Saint tattoos tyga while he is passed out, this would be an unlawful application of force and he did not have consent. this would be a cl assault. however because T was passed out, he could not apprehend or fear it so no modern law assault. Even though K did not perform the tattoo herself, so did not touch tyga for the tattoo, she would still be guilty because she was part of the conspiracy and this was done to further the objective of the conspiracy.

K would be guilty of assault at cl and not at modern law.

Is K guilty of battery of tyga when saint tattoos him?

Battery defined supra.

in this case as discussed upon there was clearly a battery and K would be guilty again because it was part of the conspiracy.

K would be guilty of battery of tyga for the tattoo.

Is K guilty of assault and battery when S peirces T's nose?

Battery defined supra. assault defined supra. attempt defined supra.

In this case S peirced T's nose while K was not looking. The peircing of the nose would be a battery for teh same reasons the tatoos would be a battery. it would also be a cl assault and not an ml assault for the same reasons. However int his case S did this when K was not looking. If this was a natural and probable consequence of teh conspiracy, then K would still be guilty. if it was a gross deviation by S then she would not be. it seems that in a tatoos parlor that also does peircings, it seems that it would be a natural and probably consequence that a co conspirator might peirce someone's nose in addition to giving them a tattoo. it is not a gross deviation from tatoosing someone only. Therefore K would be guilty of this becaueit was natural and probable.

K would be guilty of cl assault and battery for teh peircing but not ml assault

Is K guily of mayhem of Tyga's nose when he wakes up and rips it out taking a chunk of nose?

mayhem is teh maliscious dismemberment of the body part of another

In this case Tyga ripped out his own peircing but it was after S and K peirced it as a

battery. It took a chunk of his nose which would suffice for the dismembered body part requirement. This would also be considered a natural and probable consequence of the conspiracy, because it is not improbable that a drunk person who wakes up and has something in his nose that he doesn't know where it came from, he could rip it out. Malice would be implied because piercing someone's nose without consent shows a limb endangering state of mind. there was a conscious disregard for T's body part.

K would be guilty of the mayhem of T's nose

Is K guilty of the homicide of Saint?

Homicide is the killing of one human being by another human being. it can be lawful or unlawful. Lawful homicide is excusable or justifiable. Unlawful homicide is neither excusable nor justifiable and comes in two forms: murder and manslaughter.

Murder is the the unlawful killing of one human being by another human being with malice aforethought. malice is the mens rea of murder and is a man endangering state of mind. It has two forms: express malice and implied malice. Express malice is murder with the specific intent to kill.

In this case Tyga actually killed S, discussed infra, so there was no specific intent on the part of K to kill him.

K would not be guilty of express malice murder

Implied malice murder is murder without specific intent but the acts are so egregious the state implies the malice. it has three forms: 1) Wanton willful disregard, is when someone's behavior shows a total and conscious disregard for the value of human life and a death results, 2) great bodily injury is when a person intends to commit great bodily injury only a death results and 3) felony murder rule is while during the commission of a felony, death is the proximate result. modernly the felony must be

dangerous in the abstract and does not include larceny.

In this case K did not show any behavior that would indicate a wanton, will full disregard for human life, nor was she attempting to commit great bodily injury on S. She was in the commission of a crime, but assault and battery is not a felony, and conspiracy is a felony at modern law but not at common law. So this could only be possibly FMR at modern law, but conspiracy is not an inherently dangerous felony, so this would not apply.

K would not be guilty of implied malice murder.

Manslaughter is the killing of one human being by another human being without malice. it has two forms voluntary, which can be mitigated from express murder and involuntary which can be mitigated from implied murder. voluntary has two forms: heat of passion which is when a killing is done in the heat of passion and has a causal connection between three elements: adequate legal provocation, actign out of passion not reason and no cooling off period between the two. the other form is imperfect self defense which is when a person subjectively believes they are acting in perfect self defense but objectively they are unreasonable.

K was not in heat of passion of defending herself.

k not guilty of voluntary manslaughter.

Involuntary manslaughter has two forms: criminal negligencie which is during the commission of a lawful act done with out due cation and circumspection a death results, and Misdemeanor manslaughter rule which is while during the commission of an unlawful act not amounting to a felony, death is the proximate result.

In this case K was committing an unlawful act that did not amount to a felony, the assault and battery of T. T woke up, was intoxicated which K knew, and had a new

peircing and new tattoo he had not consented too. It can be said that this was teh natural and probably cosnequence of the conspiracy that K was in with S, and she was committing a misdemeanor which would be MMR IVM.

K would therefore most likely be guilty of IVM under the MMR rule.

Is saint guilty of conspiracy, assault and battery of T for teh tattoo, assault and battery for T of the peircing, and mayhem of T's nose?

S was in a conspiracy with K and therefore would be guilty of all of these crimes for teh same reasons that she was as analyzed above. He would obviously not be guilty of the burglary because that came before teh conspiracy and obviously not of his own homicide. But the first assault adn batter were committed by him and were part of teh co conspirator plan. He committed the second assault and battery himself which was not a gross deviation from teh plan. The mayhem was a natural and probably cosnequence. All co-conspirators are guilty of the crimes committed as part of the acheivign the objective as well as all natural and probably consequences.

Therefore S would be guilty of conspiracy, assault at cl, not ml, and batter for the tatoo and peircing, and mayhem of t's nose

IS t guilty of conspiracy to commit larceny with K of teh money?

conspiracy defined supra

larceny is teh trespassory taking and carrying away of the personal property of another with the intent ot permanentlyly deprive.

int his case T solicited K and even though she didn't really want to she agreed anyway and went ahead with teh crime. this shows duel intent for both.

T would be guilty of conspiracy and so would K

would k and T be guilty of larceny of the money from teh cash drawer?

larceny defined supra

K picked up the money as order by T. they were part of the conspiracy so both guilty as they took and carried away the money and idd not intend to return it.

would T have teh defense of durrress? threaten of divorce is not enough to meet the defense of duress, so she would not

K and T guilty of larceny

Are K and T guilty of larceny of the \$100?

larceny defined supra.

K picked up the \$100. this would be natural and probable so T would be guilty too since it was right after they took teh other money. it was lost property however wiht no clue to ownership, and she assumed someone dropped it. It belonged to someone but it had no clue to ownership so she would not be guilty.

not guilty for larceny of 100.

Would T be guilty of homicide of Saint?

homicide deefined supra.

T woke up and killed Saint. he had specific intent to kill him so this could be epress malice. however he was angered by the peircing so this could be mitigated down to vm

heat of passion. no cooling off period was had. so he would be guilty of VM at the most. however he could possibly have the defense of self defense. he had no idea what was happening to him and he had a new piercing and tattoo, however it did not say that he was afraid so probably no self defense. he was intoxicated but this would not be a defense to a malice crime.

T guilty of VM of saint

is t guilty of assault and battery of man with purse?

assault and battery defined supra.

in this case he clearly applied force and the man saw it coming most likely. however T reasonably thought he was defending the lady even though mistaken. so in jurisdictions that allow reasonable belief with mistake he would not be guilty, but standing in person's shoes jurisdictions he would be guilty. he could also have intoxication as defense but that only negates intent, and the facts show he was the guy stealign the person and intentionally went to defend the lady.

he would be guilty in some jurisdictions of assault and battery

is t guilty of lrceny of purse?

larceny supra

t intentionally took teh purse so he would not get caught fo the assault and battery. guilty.

END OF EXAM