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=====**Start of Answer #1 (1891 words)**=====

People v. Frank

Did Frank conspire to burglarize Wally's home and later commit the substantive crime of burglary?

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Conspiracy is an agreement between two or more to commit an unlawful act or a lawful act by unlawful means.

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

After drunkenly leaving the bars, Sam tells Frank the "opportunity is theirs." Following, the two of them begin to commit what appears to be a burglary. At both common law and modernly, Frank is guilty of conspiracy having spoken with Sam about commission of an apparent burglary and thereafter commencing the substantive crime by entering Wally's home.

Following, the two of them open a window to Wally's house and climb in. Such an act would constitute the breaking (despite no actual 'breaking') and entering for common law burglary. Additionally, while their mens reas as to a specific intent to commit a felony therein seems to be lacking, all evidence present indicates that the two intend to commit a larceny within Wally's home. They immediately begin looking for goods to take, etc. Thus, it is implied through the evidence that the opportunity they seek is to steal goods by way of their burglary. Thus, Wally is also guilty of the burglary and conspiracy to commit burglary.

Did Frank commit larceny of Wally's things?

Larceny is the unlawful taking and carrying away of the personal property of another.

Upon entering the house with the seeming intent to steal from Wally at the time of his entering, etc., Frank proceeds to root through Wally's study finding cash and a gun, which he stuffs in his pocket with the obvious intent to keep, and later uses. Thus, Frank is also guilty of larceny and conspiracy to commit the same.

Is Frank criminally responsible for the death of Wilma?

Implied malice murder is the homicide of another in which malice is imputed through either 1) the intent to inflict great bodily harm; 2) the felony murder rule- which occurs when someone dies during commission of an inherently dangerous felony; or 3) having a wonton, willful and total conscious disregard for human life.

In this situation, Frank is involved in an inherently dangerous felony--committing a burglary with Sam. When he is trying to escape, he accidentally drops his gun which goes off and kills Wilma. It is inconsequential that the gun was dropped on accident and as such an event will be deemed foreseeable. Thus, due to the underlying felony of burglary being seen as a malicious act, Frank is criminally liable for implied malice murder under the felony murder rule.

Can Frank claim voluntary intoxication as a defense?

While Frank and Sam were drunk at the time of their agreeing to a conspiracy, etc., neither can offer this as a defense because voluntary intoxication is not a defense to criminal conduct. While he could claim he didn't know what he was doing because he was drunk (another issue entirely as to mens reas), the facts do not agree with this assertion. Willfully entering a person's home at night and immediately searching for things to take is overly evident of his criminal conduct and intent to do the same by way of his agreement to seize the opportunity with Sam.

Is Frank criminally responsible for Billy's death? Can he successfully claim self-defense

for his related death if charged?

Voluntary manslaughter is the intentionally killing of another done in the heat of passion or by way of incomplete self defense (wherein one element of the defense is absent or insufficient).

Battery is the harmful touching of another.

Self-defense is a defense arising from the privilege to defend one's self with a lawful use of force.

Billy asked Frank for change and was ignored. Thereafter Billy grabs Frank and Frank responds by pushing him away and was moments later pushed onto the tracks by Carl. Frank can claim self-defense as to his original battery and his defense should probably lead him to an acquittal of this charge as he seems to act reasonably with his force. Additionally, the causal chain is broken wherein after acting in self-defense to his battery of Billy, Billy is thereafter pushed by Carl. Carl is the proximate cause of Frank's death; thus, Frank is not criminally liable for his battery and will probably not be charged for murder/manslaughter because the proximate cause is Billy (but for Billy pushing Frank w/o provocation) and Frank also has a valid assertion of self-defense as well.

People v. Sam

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Did Sam solicit to conspire to burglarize Wally's home and later commit the substantive crime of burglary?

Solicitation is approaching another about committing a crime.

Conspiracy, supra.

Burglary, supra.

After leaving the bars, Sam solicits to his friend Frank that the two should break into Wally's home. This is solicitation at common-law; however, the crime of solicitation merges with the substantive crimes of conspiracy and burglary--discussed herein below.

Upon taking appropriate actions to assist Frank in his idea to burglarize Wally's home, the two can now be both successfully guilty of conspiracy to commit burglary.

Thereafter, Sam is criminal guilty for burglary when he carries out his conspiracy by working with his co-conspirator Frank--see above analysis for conclusion.

Is Sam guilty of larceny when Frank steals Wally's things?

Larceny, supra.

Once the two have initiated their conspiracy to commit burglary and a larceny within Wally's home, common law states that all parties to a conspiracy will be criminally liable for all crimes committed during the carrying out of the substantive crime if the criminal activity is 1) natural and probable to occur; and 2) done in furtherance of the substantive crime.

~~From the facts, it is obvious that both Frank and Wally intended to burglarize Wally's~~ home to steal--evident by their actions. Because it was evident that Frank would try to steal from the home, etc., Sam is guilty as an aider and abetter to the larceny, even though he didn't steal Wally's things--considered at least a principle in the second degree for having assisted in the burglary.

Is Sam guilty under the felony murder rule for the death of Wilma?

Felony murder rule, supra.

Sam was in commission of an inherently dangerous felony of burglary as discussed above. On this basis alone, he is criminally responsible for Wilma's death under the felony murder rule. It is inconsequential that she died from an accident. Both Sam and Frank are guilty for her death due to the underlying felony. The fact that he is a co-conspirator with Frank as to these crimes is also inconsequential as to this charge. Sam is not vicariously culpable for Wilma's death. He is sufficiently guilty under the felony murder rule for his crimes regardless of whether the resulted accident was one of a natural and probable cause, etc.

Lastly, Sam will probably not be implicated in any crimes that Frank is involved in following his escape and the train incident. The crimes under the conspiracy have already been completed and Sam effectively left for dead.

Can Sam claim voluntary intoxication as a defense?

He cannot under the same discussion above as to Frank.

People v. Wally

Did Wally batter Sam? Can he successfully claim self-defense, or defense of habitation?

Battery, supra.

Self-defense is a defense arising from the privilege to defend one's self with a lawful use of force.

Defense of habitation is a defense arising from the privilege to defend one's home

(castle).

Upon discovering burglars in his house, Wally held a gun to one of them and demanded to know what they were doing. The two began to flee the premises, however, Wally shot, injuring Sam. When Wally claims self-defense and/or defense of habitation, the prosecution will need to show that the amount of force Wally used was excessive and unreasonable. The two of them had begun to flee the premises and it may be possible for a jury to determine that shooting Sam upon their running away was clearly excessive. On the other hand, if Wally reasonably believed the two might still harm him, he could provide this evidence. Such evidence is unclear; thus, it seems that Wally may be criminally liable for the battery of Sam, and possibly attempted murder depending on his beliefs at that time. His force was excessive and unreasonable under the circumstances and his defenses fall short; however, his mental state is insufficient for further criminal charges (i.e. attempted murder).

Additionally, Wally will probably not be charged with attempted murder, so long as he can show he had not intent to kill either burglars. From the facts this does not seem to be an issue.

People v. Frank

Is Carl criminally liable for the death of Billy?

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Malice murder is the intended and malicious (man endangering state of mind) killing of another.

Involuntary manslaughter is death at the hands of another through criminal negligence or via commission of a misdemeanor.

It is unknown from the facts as to what Carl's intentions were and his mindset, etc.,

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when he pushed Billy and he fell onto the tracks and died. A prosecutor may charge Carl with malice murder, in which a prosecutor could try and show that his actions are evident of his malice to severely injure and/or kill Billy. This argument is likely insufficient for conviction of this crime and we are not able to bootstrap mere battery to murder without additional information as to Carl's intentions, etc. (Ireland doctrine).

Thus, his charges may be mitigated to involuntary manslaughter through criminal negligence. It is unlikely that Carl will claim self-defense, etc.; therefore, liability may be mitigated to acting criminally negligent. It was foreseeable that violently pushing someone near a busy train might result in their severe harm. That alone is sufficient to show that doing the same which results in the death of another that Carl acted grossly negligent. Thus, Carl is probably guilty of involuntary manslaughter of Frank.

Did Carl commit larceny of the ticket?

*Defense of others?*

Larceny, supra.

Because Frank had thrown down his ticket intentionally, it seems clear that he no longer wanted it. On that basis, Carl could show that the ticket was trash and he wasn't taking the personal property of another as the ticket no longer belonged to anyone. Thus, it is likely Carl won't be found guilty of larceny of the ticket, as it has no owner. A prosecutor could interpret those same facts to show that Frank's throwing of the ticket indicated ownership and that Carl should have reasonably sought to return the ticket; however, this argument seems insufficient giving Frank's intentionally throwing it away.

Is Carl guilty under false pretenses for obtaining Ginger's ring?

False pretenses is making a false misrepresentation of a <sup>fact or present</sup> material fact to obtain title of another's personal property.

Carl lied to Ginger regarding his phone and claimed it was an expensive prototype. He

used this false misrepresentation of a material fact to add a high value to the phone. It seems from the facts that the two traded the "phone" for the ring on that basis. Such a trade of goods in which both parties intend the trade to be permanent (transfer of title), with the basis of the trade being a lie, will constitute false pretenses. Thus, Carl is also guilty of false pretenses.

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

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===== Start of Answer #2 (1373 words) =====



People v. Fred

Did Fred commit larceny of the apples?

Larceny is the unlawful taking and carrying away of the personal property of another.

Malicious mischief is the destruction/harming of another's property.

Because the apples were part of the real property of Fred's employer, the apples will not be considered personal property. Items severed from the real property of another are not personal property.

Fred, however, may be criminally liable for the severing of the property on a malicious mischief basis. He had no right to the apples and took them anyway, destroying their value by severing them from the real property. Thus, Fred is guilty of malicious mischief.



Did Fred embezzle tools and the truck from his employer?

Embezzlement is the unlawful conversion of the personal property of another despite having temporary possession to the personal property.

Fred was within his employments rights, seemingly, to hang onto his work truck and tools when he was not working. However, the actual owner of the truck and tools will maintain custody of the items as the owner when such items are used temporarily for things such as employment, etc.. Fred thereafter, however, decided because he didn't like his job that he would sell the items. Even though Fred maintains actual possession, he went outside of his employment to sell the tools and truck to other parties, which constitutes a conversion. Such an act that converts those goods to which the employer maintains custody will be considered embezzlement. Thus, Fred is guilty of embezzling the truck and tools.

Did Fred batter Lisa?

Battery is the harmful touching of another.

Fred tackled Lisa when he saw her try to shoot Jim. Generally tackling someone in this manner will constitute a battery; however, Fred will claim defense of another.

Defense of another is a defense arising out of the privilege to reasonably defend another.

Fred saw Lisa try to shoot Jim. Fred, most reasonably, tries to protect Jim despite not knowing that Jim seems to be the initial aggressor. Even though Fred is mistaken in his assumption, if it is determined that his mistake in believing Jim reasonably needed protection under the circumstances (despite being the aggressor), Fred's defense of another will remain sufficient. One steps into the shoes of another with this defense and given the circumstances, it was not unreasonable for him to fluster Lisa (his mistake in

fact being a reasonable one).

Thus, Fred is not guilty of battery because of his reasonable defense of another.

People v. Ed and/or People v. Tommy

Can the parties in receipt of the stolen property be included in this crime?

Receiving stolen property is a crime when is aware that the property they are receiving has been stolen.

So long as Ed and Tommy did not know they were receiving stolen property, which the facts seem to indicate, they will not be guilty of any crime for stealing stolen property.

No criminal liability will attach wherein mental state is insufficient.

*What about Fred's liability?*

People v. Ed

Is Ed guilty of false pretenses of selling the guitar to Fred?

False pretenses is making a false misrepresentation of a material fact to obtain title of another's personal property.

If Ed knew the guitar he had been selling to Fred was not a Martin as he had implied, he may be found to have made a knowingly false representation to obtain title of money from Fred. The facts, however, are unclear as to whether Ed knew he had given Fred a Stenton instead. Thus, the answer is inconclusive.

*Fred - larceny by keeping guitar?*

People v. Lisa

Did Lisa attempt to murder and/or assault Jim?

Attempted murder is a specific intent crime in which someone intends to kill, w/o justification or mitigating circumstances, another person.

Assault an attempted battery which may place another in reasonable apprehension of fear.

Lisa pulled out a gun and attempted to shoot Jim, but the gun was empty. Generally, such an act would constitute an attempted murder wherein the substantive crime of malice murder was frustrated by the empty gun and also constitute assault with a deadly weapon. The fact that the gun had actually been empty is inconsequential, as the acts and mental state are sufficient despite the impossibility of the actual shooting occurring.

However, Lisa claims Jim had initiated raping her was being chased. She will claim self-defense.

Self-defense is a defense that arises out of the reasonable privilege to defend oneself.

Generally, deadly force may be used during self-defense for extremely harmful felonies, which may include rape. The defense will show that Lisa had been chased by Fred and he had initiated raping her and proceeding to chase her during her escape. A jury is likely to determine that her response in brandishing a weapon to stop Jim was reasonable and justifiable under those circumstances. Thus, Lisa is not guilty for attempted murder as she acted in self-defense to rape, and possibly other crimes.

People v. Jim

Did Jim attempt to rape Lisa?

Rape is the unlawful and non-consensual sex with another.

Battery, supra.

It is clear from the facts that Jim attempted to rape Lisa (at least according to her story). He tried to take off her clothes and chased her down, etc.; thus, Jim (if the facts are true) is guilty of rape.

*attempted*

Additionally, Jim is criminally liable for battery of Lisa for grabbing her and otherwise harming her during his attempted rape, which constitutes offensive touching

People v. Val

Is Val guilty for the death of Shelly?

Implied malice murder is the homicide of another in which malice is imputed through either 1) the intent to inflict great bodily harm; 2) the felony murder rule- which occurs when someone dies during commission of an inherently dangerous felony; or 3) having a wonton, willful and total conscious disregard for human life.

A prosecutor will likely argue implied malice murder of Shelly by Val on the basis that Val had a wonton, willfull and total conscious disregard for human life. Generally, ~~driving under the influence is not sufficient to arise to imputing malice from one's acts;~~ however, the facts show that Val is a previous offender. He has been in a prior crash not much more than a year ago and is in AA meetings, etc. This evidence may be used to impute his knowledge of the severity of his actions, which in turn may be used to impute malice. Val should know that drinking and driving is inherently dangerous especially considering his previous accident. Thus, he may be guilty for implied malice murder for having a wonton, willful and total and conscious disregard for life by getting behind the wheel and driving given his prior crimes, etc.

Val will try have his liability mitigated to involuntary manslaughter.

Involuntary manslaughter is death at the hands of another through criminal negligence or via commission of a misdemeanor.

It is evident that Jim was drinking and driving (a crime) and thus, he may try and mitigate his crimes to involuntary manslaughter in which a death proximately occurred due to his drinking and driving crime. However, given his prior accident and the knowledge that his actions are most likely to result in injury and loss, it is unlikely he will be able to mitigate his culpability to a lesser crime. Additionally, Val was also yelled at to slow down, but he ignored this information from the pedestrian. This fact further shows he was acting maliciously by ignoring her pleas to be watchful of others on the deadly turn he made.

Thus, Val is guilty of implied malice murder for the knowledge imputed by way of his prior offenses which tend to show his wonton, willful and total and conscious disregard for life which results in Sally's death.

Did Val batter Jim?

Battery, supra.

Generally, a battery must be an intentional harmful act against another; however, criminally one can be responsible wherein their acts are so grossly negligent that a resulting harmful touching will be concluded to be a battery. Due to Val's wonton, reckless, and total and conscious disregard for human life mental state, it stands to reason that he was grossly negligent and, thus, is also liable for his battery of Jim as having been involved in the accident that Val caused.

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