

1)

=====**Start of Answer #1 (1638 words)**=====

80%

State v. Adam and Bessy

Did Adam and Bessy conspire to commit false pretenses against Clover?

Conspiracy is an agreement between two or more for an unlawful purpose. False pretenses is obtaining the property of another through fraud and where the victim intends to pass title.

Here Adam and Bessy, in an effort to make more money, agreed to add tequila to their milk. This increased the amount of milk they sold that resulted in an extra \$100 that Clover had to pay. The conspiracy was complete at common law when they agreed to add the tequila, at modern the conspiracy was complete when they made the first overt act towards commission of the crime. Once they conspiracy was complete they were both responsible for any actions done by the other in the furtherance of the co-conspiratorial plan if they acts were a natural and probable consequence of the original conspiracy.

They did get title of Clover's \$100 that he didn't usually pay them by fraudently passing off the tainted milk. They would be guilty of both conspiracy to commit false pretenses and false pretenses as well.

State v. Adam

Did Adam and Bessy commit a battery against Dana?

A battery is an unlawful application of force on another. Here, Dana drank the milk that

was tainted by the tequila they put in the milk. The force that was applied to Dana was the allergic reaction had that made her ill. Therefore Adam, and Bessy would be found guilty of a battery against Dana.

State v. Clover

Was Clover guilty of a battery against Dana?

A battery is supra. Here, Clover smelled something in the milk but failed to investigate to see if it was sellable.

State v. Dr. Eduardo and Francie

Were Dr. E and F guilty of conspiring to kill Clover?

Conspiracy is supra. Here Dr. E solicited Francie to join him in "taking care of" clover. Francie agreed to help but had no idea of what he was talking about. She thought he meant take care of patients. She agreed to the conspiracy, but would have the defense of mistake of fact since she was unaware of Dr. E's plan to hurt Clover. Therefore Francie would likely not be guilty of conspiracy to hurt Clover. Since there cannot be a conspiracy of one, it is likely that Dr. E would be found guilty of solicitation, not conspiracy.

Did Dr. E and Francie commit attempted express malice murder of Clover?

An attempt is a step past preparation into the zone of perpetration towards the commission of the target crime. Express malice murder is a homicide with malice

aforethought, without justification, mitigation or excuse. Malice is a person-endangering state of mind and can be express or implied. Here Dr. E clearly took steps towards the perpetration of the crime of murder of Clover when he prepared the syringe of lethal arsenic. Dr. E. would be found guilty of attempted malice murder.

It is unlikely that Francie would be found guilty of attempted express malice murder because she did not know what Dr. E had in the syringe. She thought they were going over to give him medical help. Therefore, since she did not possess the mens rea for either the attempt or the express malice murder, she would not be guilty either.

Did Dr. E and Francie commit a burglary of Clover's home?

Burglary is the trespassory breaking and entering into the dwelling house of another with the intent to commit a felony. Here, it can be argued that Dr. E constructively broke into the home through fraud when he said he wanted to talk about a business deal. He entered into Clover's home at night with the intent to commit the felony of murder so at common law all elements of burglary would be met. He would be found guilty of burglary at modern law too, where night, breaking and dwelling house are obviated.

Francie would likely not be found guilty of burglary at modern law or common law. Francie lacked both the intent to commit a felony, as she thought they were administering medical care, and she also lacked the element of constructive breaking because she did not know that he was lying to get into Clover's home. Therefore Francie would not be found of burglary at common law or modern law.

Did Francie and Dr. E conspire to assault and batter Clover?

A conspiracy is supra. Here, even though Francie didn't know what was in the syringe, she did agree to inject Clover upon his return from the bathroom. Once she agreed the conspiracy was complete at common law. When she took the syringe from Dr. E the

conspiracy was complete modernly. Francie and Dr. E would be guilty of conspiracy to commit an assault and battery on Clover. Under the accomplice liability theory, anything act done in the furtherance of the conspiratorial plan by either party will create culpability in the other party from this point until the plan is complete, or one withdraws from it. It appears that she understood that this was not going to be consented to by Clover as when he came out she lunged at him with the syringe in hand. Therefore she understood that the act they were doing together was unlawful, and any defense of mistake of fact will not do her much good.

Did Dr. E and Francie commit an assault on Clover when she lunged at him with the syringe?

An assault at common law is an attempted battery. A battery is supra. At modern law an assault is putting someone in fear or apprehension of a battery. Here, Francie lunged at Clover in such a way that it frightened him, and she was attempting to batter him, so she was guilty of assault at common law and modern law.

Did Dr. E and Francie commit a battery and attempted murder on Clover?

Battery is supra. Attempt is supra. Murder is infra. Here, at this point in the furtherance of the conspiracy to inject Clover with the aarsenic, Francie was already dead so she will not be charged. However, Eduardo will be charged with attempted murder and battery of Clover when he took the shard from teh broken vase and stabbed him with it. The murder is likely attempted express malice murder (see below), but could be attempted implied malice murder as well.

State v. Clover

Was Clover guilty of the homicide of Francie?

Homicide is a killing of one human being by another. It can be lawful or unlawful. Lawful homicide is excused or justified. Unlawful homicide can be murder or manslaughter. Here Clover hit Francie over the head with a vase killing her instantly. It is likely he will be charged with homicide of Francie, but will have many defenses as described below..

Did Clover murder Francie?

Murder is homicide with malice aforethought without justification, mitigation or excuse. Malice is a person-endangering state of mind and can be express or implied. Express malice murder is with the intent to kill. Here, it is unclear if Clover had the intent to kill, but it certainly can be argued that he did because he hit her on the head with great force. However, he will argue that he was defending himself from her impending battery and attack. It is not likely that he will be found guilty of express malice murder.

Implied malice murder comes in three forms: 1) with the intent to apply great bodily harm or injury (GBI), 2) with wanton, willful and total disregard to the value of human life (WW) and 3) while committing a felony someone dies under the Felony Murder Rule. Modernly the felonies have to be inherently dangerous in the abstract. Here Clover can be charged under the GBI prong as he did intend to hurt her to stop her attack on him. It is doubtful that he will be charged with WW as a total disregard for the value of human life was not exhibited. It is also not likely that he will be charged with the FMR, as a battery is a misdemeanor at common law. If Clover is charged with implied malice murder, it is likely that he will be found not guilty because he was entitled to defend himself with reasonable force. He could also bring up the defense of habitation since the attack happened in his home.

Did Clover commit manslaughter on Francie?

Manslaughter is homicide without malice aforethought. It can be voluntary (VM) or

involuntary (IVM).

VM can take two forms: 1) heat of passion where one reacts out of passion and not reason, there is adequate provocation and no cooling off period and there is a causal connection among the three or 2) imperfect self-defense where a reasonable amount of force was allowed objectively, but the person subjectively used more than was allowed. Here if there is any charge at all against Clover for the homicide of Francie it will most likely be here as voluntary manslaughter, and though it is likely that between the two imperfect self-defense will be the charge, though it could be argued that the attack with a syringe evoked adequate provocation.

IM can take two forms: 1) criminal negligence where in a lawful act someone dies due to lack of due care and circumspection and 2) when an unlawful act is being committed, someone dies under the misdemeanor manslaughter rule. Here the attack on Francie was not lawful so criminal negligence will not hold. However, if Clover is charged with involuntary manslaughter it would be under the misdemeanor manslaughter rule as Francie was assaulting him when she was killed.

However, it is very likely that his defense of self defense and defense of habitation will be a total defense to any homicide charge against him.

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

2)

85%

===== Start of Answer #2 (2118 words) =====

PEOPLE V RYE(R) SYE(S) AND TYE (T)

Is R,. T,and S guilty of conspiracy to commit larceny and burglary

Conspiracy is an agreement between two or more people for an unlawful purpose. At common law as soon as the agreement took place the crime had been committed. Modernly an overt act is needed

Burglary is the trespassory breaking and entering into the dwelling house of another, at night with the intent to commit a felony (therein). Modernly the elements of breaking dwelling, and night are no longer needed an it is expanded to include any theft related offenses.

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

When the 3 decided to take beer from UYE(U) they came to an agreement for an unlawful purpose. WHEN they started to drive to the store was enough to be an overt

act

R, S, and T would be guilty of conspiracy.

From this point on under accomplice liability they will all be responsible for each other's actions as long as they are the natural and probable consequences in furtherance of the conspiracy.

Is R, S, and T guilty of burglary of U's store?

Burglary supra

The facts indicate that it was at night. There is no mention of if they needed to open a door to get into the store, and there is no mention of anyone living at the store. They probably do open the beer fridge which would be enough to constitute a breaking and it is tall enough for a man to stand erect (which is needed for the structure). Modernly neither of these elements are needed for the crime of burglary. They all enter the store with the intent to take beer. As soon as they stepped foot into the store they were guilty of burglary. They entered with the intent to commit a felony. The completion of the felony is not needed.

All 3 would be guilty modernly of burglary and more facts are needed to determine if they are guilty of common law burglary as it is unclear if it is a dwelling house.

Is R, S, and T guilty of larceny of the beer and candy?

Larceny supra.

When R grabbed the beer they this constituted a taking and carrying away. It appears



they planned on drinking the beer which would permanently deprive the owner of it. R also took the candy, which was not agreed upon. however another larceny is a natural and probable consequence of a larceny. If it is determined that is a natural and probable consequence than all 3 would be guilty of the larceny of the candy as well. T will argue that he pleaded with R not to do it and he should be liable, and that he communicated that he was out of the conspiracy. This is probably not enough of a clear indication that he wanted out of the conspiracy. Also it must be communicated to all the members when a co-conspirator wants out

All 3 are guilty of larceny of the beer and the candy bars

Are R,S,T guilty of assault and battery of U?

Assault at common law is an attempted battery. Modernly it is placing a person 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 the crime

Battery is the unlawful application of force upon another.

When T tackled U it was an unlawful application of force on U. It was definitely an attempted battery. The facts are unclear if U saw it coming. If he did he probably was put in apprehension of receiving a battery. T will argue that he was defending R and had a right to defend him. But since the boys were the ones who were committing a crime to start with a U was just defending his property T probably had no right to tackle U.

An assault and battery is a natural and probable consequence of a larceny and would make all 3 guilty of assault and battery.

R and S will argue that it is not a natural and probable consequence and it was T acting on his own. However it is probable that a shop keeper could try and stop the larceny and it is probable that a co-conspirator could attack him for it

All 3 are probably guilty of assault and battery.

Are R, S, T guilty of robbery after the tackle of U?

Robbery is larceny by force, fear, threat or violence

When T tackled U it may have turned their larceny into a robbery. T used force upon U when U was trying to protect his candy bar. This force could be considered towards the taking of the candy and beer. If it is considered to be a separate act then it would not be considered a robbery, however it does appear it was all linked together and the boys stole the items by force. The boys will argue that it was T acting on his own and it would break the chain of causation. but like state above it is highly probable that a store owner will try and defend his property.

this would turn the larceny into a robbery and under accomplice liability all 3 would probably be guilty of robbery

PEOPLE V R&T

Is R and T responsible for S's homicide?

homicide is the killing of one human being by another. It can be lawful or unlawful. Lawful can be excused or justified. Unlawful can be murder or manslaughter.

U shot and killed S this was in the commission of R and T's robbery. However it

appears that U actions might be unreasonable. If it was unreasonable action they would not be responsible for the death of S. If they are they could be responsible for murder as discussed below

Are R&T 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 expressed or implied

Express malice is the intent to kill

They clearly had no intent on killing S.

R and T are not guilty of express malice murder

Implied malice comes in 3 forms. First is the felony murder rule (FMR) and occurs when someone dies in the commission of a separate and independent felony. Modernly the felony must be inherently dangerous in the abstract and does not include the common law felony of larceny. The second form is a wanton, willful, and total conscious disregard for the value of human life and someone dies. The third form is the intent to inflict great or serious bodily injury and the person dies.

Normally the FMR would be applicable, but it cant be used against a co-conspirator when a 3rd party kills another co-conspirator trying to thwart the crime. They were in the commission of a crime and U was trying to stop it. It appears S died while the crime was trying to be stopped and most likely would release R&T of their culpability.

The facts show they did not have intent to inflict great or serious bodily injury on S. ANd it doesn't appear their action were enough to warrant a wanton, willful charge either

They are most likely not guilty of implied malice murder

Are R&T guilty of manslaughter?

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

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

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

There is nothing in the fact pattern that would suggest a VM charge.

IM comes in 2 forms. The first is criminal negligence and happens during a lawful act done without due caution or circumspection and someone dies. The second form is the misdemeanor manslaughter rule and occurs during the commission of an unlawful act, usually not a felony, and death is the proximate result.

The misdemeanor manslaughter rule could be used modernly if their crime was considered to be a larceny. But the FMR liability goes to this as well and are not responsible for the death of a co-conspirator's death by a person trying to thwart the crime

R&T are probably not guilty of IM

When R drops T off at his house they have reached the res gestae and the conspiracy is over ending their liability to each other's actions

PEOPLE V UYE

is U responsible for S's homicide

When U pulled out his gun and shot S it killed him. S's death was the direct result of U shooting him.

U is responsible for S's homicide

Is U guilty of murder of S?

Murder supra

It seems pretty clear that When U shot at S he had the intention to kill him. The facts are silent if he actually had the intention or not. U will argue that he was just trying to stop them. But anytime a gun is fired at someone it is reasonable to assume there is the intention to kill.

U will also self-defense and defense of property. However deadly force can never be used for the defense of property. U was lying on the ground and the boys were running away. It appears his self-defense claim was not valid as the threat was gone. It appears U's use of deadly force was not reasonable

U may be guilty of express malice murder but it will probably be mitigated down to VM as discussed below.

An argument can also be made for implied malice murder. If it is determined that his intentions was just to inflict great or serious bodily injury and not to kill, then implied

malice is possible. It can also be a wanton, and willful argument. Any time you fire a gun it is a total disregard of the people on the other end. But it appears if it is determined that U's self-defense claim was objectively unreasonable VM is the best charge in this scenario.

Is U guilty of manslaughter

Manslaughter supra

It appears if U's claim of self-defense then this is a typical imperfect self defense case. U thought he was acting in perfect self defense but it was objectively unreasonable.

The most likely charge here is VM

U will still claim Perfect self defense but it does seem unreasonable as the boys were leaving

PEOPLE V VYE (V)

Is V guilty of mayhem/assault and battery

Mayhem is the malicious dismemberment or gross disfigurement of the body part of another. the malice is a limb endangering state of mind and can be expressed or implied

assault and battery supra

It is clear V cut off T's penis and she intended too. She believed she was going to be raped. The cutting of the penis would be enough to be a dismemberment as well as a battery and a common law assault. However T got into her bed and V reasonably thought she was about to be raped. Her actions are not unreasonable as she has a right to defend herself and under the castle doctrine has no duty to retreat in her own

house. Her reactions appear reasonable

V is most likely not guilty of mayhem or assault and battery as she was defending herself

PEOPLE v T

is T guilty of burglary

burglary supra

T clearly breaks and enters into V's dwelling. It is at night as she is sleeping. It does not appear to be any intent on T's part to commit a felony. If there was any intent to commit a felony the fact that he is drunk probably vitiates his ability to form intent. Being drunk is not a defense to a crime but can be used as a defense to a specific intent crime if they claim they are too drunk to form intent

Is T guilty of attempted rape

Rape is the unlawful carnal knowledge of a woman without her consent

attempt supra

It appears that he breaks into the house on accident and had no intent to rape even though it created reasonable fear in V

==== End of Answer #2 =====

**END OF EXAM**