

### Essay Question 1

Brief elements of a model answer: Topsy cannot be charged for the mere status of being a heroin addict (Robinson case). David solicits Topsy to commit robbery and murder and commits assault/battery by holding the gun to his head. Both David and Topsy are guilty of express malice murder or felony murder for committing the homicide during the robbery. David's claim of right doesn't work because he used violence, and his reliance on the mistaken advice of his attorney is ineffective because it's not "official." Topsy's duress defense doesn't work because duress is unavailable for a coerced killing. David can't be charged for failure to register if he didn't know of that obligation. Buddy's killing is express malice murder; his defense of protecting Pam doesn't work because she's not in any danger, and he has no right to use his service revolver because he lacks "public authority" because he's retired.

### Essay Question 2

Brief model answer to this question: The fact pattern is loosely but not entirely taken from the Supreme Court case of *Clark v. Arizona* in the text. While Clark is clearly delusional, he's almost certainly guilty of express malice murder because, first, his behavior shows he knows the difference between right and wrong; his condition is not permanent but transitory; irresistible impulse is not the test in either the CL or CA; he has no objective threat against him from the cop placing his hand on Clark's arm. Diminished capacity – a reduction in charge for mental defect – no longer is the law in CA. Regarding Red, he commits assault by waving his gun in the air in the presence of others. His intoxication is no defense to general intent reckless homicide because, at best, intoxication works, if at all, only as a defense to specific intent crimes. There is no objective deadly threat to him in the "moon" comment, which is purely verbal, and hence self defense doesn't work. While the doctors may have helped the death, it is Red whose conduct started the homicidal result; but for his behavior, the victim would not have died. Proper charges against him are assault and involuntary or reckless manslaughter.