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PEOPLE V ADAM (A)

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IS ADAM (A) CULPABLE OF CONSPIRACY WITH BEA(B) FOR THE LARCENY OF THE VIDEO GAMES?

Conspiracy is an agreement of two or more for an unlawful purpose. At common law (CL), the parties were guilty when they agreed to the unlawful purpose and at modern law (ML), an overt act is needed.

Here, A and B decided to take advantage of the large crowds and chaos and fill their shopping cart with video games and not pay for them. Although there were no express words that they agreed, a conspiracy can be implied by their actions, as it is here.

At CL, A is guilty of conspiracy when they silently agreed to commit a larceny (infra), and modernly they are guilty when they walk into the store.

A has no defenses to the conspiracy.

A is guilty of the conspiracy.

IS A CULPABLE OF BURGLARY OF COWMART WHEN THEY ENTER TO TAKE THE VIDEO GAMES?

Burglary is the trespassory breaking and entering into the dwelling of another at night with the intent to commit a felony therein, at common law. At ML, the elements of breaking, dwelling and night are lacking.

Here, A enters the store when his body passes the threshold, and has the intent to commit a felony, larceny (infra). Based on the facts, Cowmart is not a dwelling house, and it doesn't say whether it is nice. The facts also do not make clear whether there was a breaking, which would be the enlargement of an opening or using force to enter. Because some of the elements of CL burglary are missing, A is guilty of burglary at ML but not at CL.

He has no defenses to the crime of burglary.

IS A GUILTY OF LARCENY WHEN HE ENTERS COWMART TO STEAL THE VIDEO GAMES?

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

Here, A takes the video games when he takes control of them and grabs them off the shelf. He carries them away when he moves them away in the cart. They are the personal property of another because they belong to COWmart. He intends to permanently deprive the store of them because he does not intend to bring them back.

A has no defense to the crime of larceny, and will be found guilty.

IS A CULPABLE OF THE HOMICIDE OF B?

Homicide (infra).

Here, B is killed by the security guard in an effort to thwart the felony of the burglary and larceny.

Because B was killed by a third party in an effort to thwart the felony, A as a co-conspirator cannot be found guilty for her death.

IS A CULPABLE OF THE BATTERY OF CALVIN WHEN A'S DEAD BODY HITS HIM?

Battery is the unlawful application of force upon the person of another.

Here, A's pushes B's lifeless body out of the back of a truck and it bounces up and hits C. This is an unlawful because it is not consented to. It is an application of force because although A himself isn't touching B, he put the act of B being pushed out of the truck into motion and that was the cause of the force on C. It is on another.

A has no defense to the crime of battery, and will be found guilty

IS A CULPABLE OF CONSPIRACY WITH C WHEN HE AGREES THAT C CAN HAVE HALF THE MONEY?

Conspiracy is supra.

Here, A agrees that C could have half of the money upon resale. This is an agreement and it is for an unlawful purpose because the video games don't belong to them to sell. However, the facts state that C does not have the mens rea to agree to the conspiracy, and a conspiracy requires two or more.

Since A would be the only one agreeing to the conspiracy, he is not guilty of conspiracy.

IS A CULPABLE OF SOLICITATION WHEN C ASKS HIM TO CONSPIRE TO SELL THE VIDEO GAMES?

Solicitation is inciting or urging someone to commit a crime.

Here, A agrees to C's request to let him split half the proceeds from video game sales, but he is not actually inciting C to commit the crime, as C himself did the asking.

Here, it is likely that A will not be guilty of solicitation.

IS A CULPABLE OF MAYHEM OF C'S FINGER WHEN HE CHOPS IT OFF WITH A KNIFE?

Mayhem is the malicious maiming, disfiguring or substantial scarring of another. Malice is a limb endangering state of mind.

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Here, A grabs a kitchen knife and chops off C's trigger finger. This is express malice because A had the express intent to chop off C's finger. It is a maiming because C's finger gets chopped off.

However, A is intoxicated and has the defense of self. Intoxication will not be a relevant defense to A because voluntary intoxication is not a defense to a malice crime. However, A reasonably believes that C is going to shoot him, and in self defense, you are allowed to use deadly force when confronted with deadly force. Detached reflection cannot be demanded in the presence of an uplifted knife. If this was a majority jurisdiction, A would be able to stand his ground and not have a duty to retreat, and if this was a minority jurisdiction, A would have to retreat if it was safe to do.

A will enjoy the defense of self-defense and be acquitted and not guilty of the mayhem.

PEOPLE V B  
IS BEA (B) CULPABLE OF CONSPIRACY, WITH A AND OF LARCENY AND BURGLARY OF COWMART?

Conspiracy, Larceny and Burglary (supra).

based on co-conspirator liability, where co-conspirators are liable of all the natural and probable consequences of the initial conspiracy, B will be found guilty of these crimes.

She has no defenses.

PEOPLE V CALVIN (C)

Is C culpable of assault when he gives chase with the revolver?

Assault at CL is an attempted battery and at ML is act that places a person in reasonable apprehension of an immediate battery. An attempt is a substantial]antial step toward the commission of a crime and going beyond the zone of preparation into the zone of perpetration, and a battery is supra.

Here, it doesn't seem like C is trying to apply force, but does when the gun discharges, which causes the homicide of B (infra). If A and B were aware C was chasing them with a revolver, they might have a reasonable apprehension of immediate battery, but if they are not aware, they don't have an apprehension.

C will try to argue hot pursuit, and defense of property.

C will likely be guilty of an assault at CL but not at ML.

IS C CULPABLE OF THE HOMICIDE OF B?

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

C shot the bullet that accidentally hit B and killed her. Therefore, B is the cause of her homicide and if he does not have any defenses, will be found guilty of her homicide.

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## IS C GUILTY OF MURDER OF B?

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

Express malice murder is the express intent to kill.

here, there are no facts to support a charge of express malice murder as C did not mean to kill B.

Implied malice murder is where malice will be implied through one of three ways: 1. while in the commission of a common law felony or an inherently dangerous felony at modern law, and death is the proximate result; 2. intending to inflict great bodily injury and death is the proximate result or 3. through a wanton and willful disregard for the value of human life and death is the proximate result.

Here, there are no facts to support a charge of implied malice murder as C did not mean to kill B. The people will try to argue that by running with a revolver in his hand, C was acting with a wanton and willful disregard for the value of human life as he knew the weapon could accidentally discharge.

C will try to enjoy the defense of property, but deadly force is never allowed for defense of property. Even though the shooting of the gun was an accident on C's part, it still discharged, which is deadly force.

C will likely not be found guilty of implied malice murder.

## MANSLAUGHTER

Manslaughter is the unlawful killing of one human being by another without malice aforethought. It can be voluntary or involuntary.

Voluntary manslaughter is done through two ways: 1. heat of passion, which is where there is legally adequate provocation, no cooling off period and C does not cool off, acting out of passion rather than reason, and a causal connection between the three elements and 2. imperfect self defense, which is a subjectively honest but objectively unreasonable use of perfect self defense, or where the law would have allowed some force, albeit not deadly.

Here, there are no facts to support a charge of voluntary manslaughter. There was no heat of passion, as there are no facts to support there was any relationship between B and C, and there cannot be a imperfect self defense claim, because C was not in the act of defending himself. There is nothing to imply that C felt threatened and needed to defend himself.

C will not be guilty of voluntary manslaughter.

Involuntary manslaughter (IVM) is done through one of two ways: 1. through criminal negligence, which is while in the commission of a lawful act without due caution or circumspection or 2. through misdemeanor manslaughter rule, which is while in the

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commission of a misdemeanor, including larceny at common law, and death is the proximate result.

Here, if C had committed an assault when he gave chase with his revolver, he would be in the commission of a misdemeanor, and death was the proximate result. If he was not in the midst of an assault, he could be in the commission of doing his job as a security guard and was acting without due caution or circumspection.

Again, C will try to argue the defense of property, but deadly force is never allowed to regain property.

C will likely be guilty of the homicide of B through IVM.

**IS C CULPABLE OF CONSPIRACY WITH A TO SELL THE VIDEO GAMES AND GET HALF THE MONEY?**

Conspiracy is supra. Here, although C begs A to agree to the unlawful purpose of attempting to obtain money by way of a false pretense if they sell the video games and receive money for it, his mens rea was different, as he did not have the intent to agree to the conspiracy with C and was going to call the police.

Since C did not have the requisite mens rea to commit the underlying crime, he is not guilty of conspiracy.

**IS C GUILTY OF SOLICITATION WHEN HE BEGS C TO BE IN ON THE VIDEO THEFT?**

Solicitation is supra.

Here, C is inciting and urging A to agree to conspiracy. Solicitation is done at the asking. However, he does not have the requisite mens rea to actually commit the conspiracy, and therefore will not be guilty of solicitation.

**IS C CULPABLE OF ASSAULT ON A WHEN HE POINTS THE REVOLVER AT HIM?**

Assault is supra.

Here, C has taken a substantial step toward the commission of battery by holding a gun in A's face. A is in reasonable apprehension of an immediate battery.

However, C is intoxicated, albeit voluntarily, but the voluntary intoxication is enough to negate the specific intent required for assault.

Based on this defense, C will likely not be guilty of assault.

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PEOPLE V STEVE (S)

IS S CULPABLE OF CONSPIRACY WITH RICK (R) WHEN THEY WANT TO TRICK TINA?

Conspiracy is an agreement between two or more for an unlawful purpose. Here, although there is an agreement and a meeting of the minds, playing a joke on someone is not unlawful.

Therefore, S is not guilty of conspiracy.

IS S CULPABLE OF THE ATTEMPTED HOMICIDE OF C?

An attempt is the substantial step toward the commission of a crime and going beyond the zone of preparation into the zone of perpetration.

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

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

Express malice murder is the express intent to kill. Here, S had an express intent to kill T. There was an attempt when he pulled the trigger and shot her, he was just not successful in her death.

S will argue defense of others. He was fearing for R's life. Defense of others is allowed to use the same amount of force necessary for self, which is deadly force in deadly situations and non-deadly force in non-deadly situations. It can be argued that R felt this was deadly force. For self-defense, you are not allowed to use self-defense if you are the initial aggressor. IN defense of others, the majority jurisdiction is whatever you subjectively see is how you are allowed to respond. The minority of jurisdictions rule that you stand in the shoes of the person being defended. If this is a majority jurisdiction, R had a reasonable belief for defense of others.

He will be found not guilty of attempted murder.

Implied malice murder is where malice will be implied and is implied through one of three ways: 1. while in the commission of a felony and death is the proximate result, while intending to inflict GBI and death is the proximate result or 3. with a wanton and willful disregard for the value of human life and death is the proximate result. For an attempt, there must be a specific intent to do the act, and in IMM, there is no specific intent to kill. Therefore, there is no rule that allows for attempted implied malice murder, and that is a legal impossibility.

MANSALUGHTER

Manslaughter is the unlawful killing of one human by another without malice aforethought. It is voluntary or involuntary.

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VM is done through one of two ways: heat of passion, which is legally adequate provocation, no cooling off period and one does not cool off, acting out of passion rather than reason and a causal connection between the three elements, or 2. imperfect self-defense, which is a subjectively honest but objectively unreasonable use of perfect self-defense, where the law would have allowed some force, albeit not deadly.

Here, the People will try to argue that it was an unreasonable subjective belief that R's life was in danger, and S was not entitled to a perfect defense of others, and they will try to charge him with imperfect self defense of others.

IVM is done through one of two ways: 1. while in the commission of a lawful act without due caution or circumspection and death is the proximate result and 2. while in the commission of a misdemeanor and death is the proximate result.

An attempt is a specific intent crime and you can't have an attempted IVM.

Based on the above, S will likely be excused from the crime of attempted murder based on perfect defense of others.

IS S CULPABLE OF BATTERY OF T WHEN HE SHOOTS HER?

Battery is an unlawful application of force upon the person of another.

Here, S shooting a bullet into T is unlawful because it is not consented to. It is an application of force because the bullet went into her body. It is on another.

Here, S will argue perfect defense of others since he was scared for R's life, and this force was proper since he was scared of death or imminent GBI by T.

S will be excused from the crime of battery.

IS S CULPABLE OF CONSPIRACY WITH R TO HIDE T'S BODY?

Conspiracy is supra.

S and R agree to hide T's body. IF hiding a corpse was an unlawful act, they would be guilty of conspiracy.

IS S CULPABLE OF THE HOMICIDE OF T?

Homicide is supra.

Murder is supra. Here, based on mistake of fact that T was already dead, there was no express intent to kill.

S was not in the commission of felony, was not intending to inflict GBI on T and was not acting with a wanton and willful disregard for the value of human life.

Therefore, S will not be guilty of murder of T.

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Manslaughter is supra.

VM is supra. Here are there no facts to support S was acting in heat of passion or imperfect self defense, and will not be guilty of VM.

IVM is supra. IF disposing of a "dead body" was a crime, and was a misdemeanor, S would be guilty of this misdemeanor, and T's death would be caused by this misdemeanor, as they threw her in the dumpster thinking she was dead. If disposing of a "dead body" is not a crime, they will be guilty of IVM through criminal negligence, which is while in the commission of a lawful act without due caution or circumspection.

However, S had a reasonable belief that T was dead. This was a mistake of fact. A reasonable mistake can be a defense to mistake of fact.

If a jury believes this was a reasonable mistake of fact, S could be excused from the homicide of T. If not, he will be guilty of IVM.

IS S CULPABLE OF BURGALRY OF T'S PARENTS HOUSE TO COMMIT LARCENY OF HER ESSENTIALS?

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

Here, the act is trespassory because it is without consent. S breaks if he or R had to open the window even the slightest bit, and enters when his body passed over the threshold. R was straddling the window, which was enough to constitute the entry. Based on co-conspirator liability, S is guilty for the acts of R, and so R's entry is S's entry if it is a natural and probable consequence of the act. This is a dwelling house because it is T's parents home. It is night. The felony that they are intending to commit is larceny (infra). At CL, they are guilty of burglary.

At ML, burglary lacks the elements of nighttime, dwelling and breaking. Since this is a burglary at common law, it is also a burglary at modern law.

There is no defense to the burglary. R and S could try to argue necessity, but there is never a defense to covering up another crime.

IS S CULPABLE OF ATTEMPTED LARCENY OF T'S PARENTS HOUSE?

Larceny is the trespasser taking and carrying away of the personal property of another with hte intent to permnately deprive. An attempt is supra.

Here, they take a substantial step toward the comission of the larceny by climbing up and attempting to enter into T's parents house to take and carry away T's personal belonging with the intent to permanently deprive. However, they are stopped before doing so.

They have no defense to the larceny. They might try to argue necessity, but that is never a defense to cover up ones own crime. They might also try to argue that the essentials were no longer essentials since the person they belonged to died and they

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were now valueless. However, there is still value in them as they could be sold for money, giving them value.

They will be guilty of attempted larceny.

IS R CULPABLE OF CONSPRACY WITH S?

Conspiracy is supra. Although there was an agreement between R and S, playing a joke on someone is not a crime, and therefore there was no unlawful purpose.

R will not be guilty of conspiracy.

IS R CULPABLE OF CONSPIRACY TO HIDE T'S BODY, THE HOMICIDE OF T, BURGLARY OF TINAS'S APRENTS HOUSE AND ATTEMPTED LARENY OF T'S ESSENTAISL?

Based on co-conspirator liability, R is liable for all the natural and probable consequences of the conspiracy, and will enjoy the same defenses that S does.

PEOPLE V T

IS TINA CULOABLE OF BATTERY OF RICK WHEN SHE HITS HIM OVER THE HEAD WITH THE BOTTLE?

battery is an unlawful application of force upon the person of another.

Here, Tina hits R over the head with a bottle of beer. This is unlawful because it is not consented to. It is an application of force because she breaks the bottle over his head. It is on another.

However, T might enjoy the defense of mistake of fact. She reasonably assumed that R had gone bonkers. Mistake of fact can be a defense to a battery if it is a reasonable mistake.

T will likely be excused from the crime of battery.

PEOPLE V BOB (B)

DOES B COMMIT MALICIOUS MISCHEIF OF R'S HAT WHEN HE SHOOTS THROUGH IT?

Malicious mischief is the malicious destruction of the personal property yof another. Malice is a property endangering state of mind.

Here, B shoots into a dark room, thinking there are raccoons he is trying to scare away. He did not realize there were people there. While property, R's hat, was destroyed a little bit, it was not done maliciously as he did not hinted to hit R's hat and did not disregard an obvious high risk of it happening to imply malice.

Even if the People argued implied malice, B would argue defense of habitation. Based on the facts, it doesn't seem like he believes someone is breaking into the house and

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he is not scared of death or GBI, and using a gun and deadly force in response to a non-threatening situation is exceeding the scope of the defense.

B will likely be found not guilty of malicious mischief.

**IS B CULPABLE OF ASSAULT AND BATTERY WHEN HE SHOOTS INTO THE DARK?**

Assault at CL is an attempted battery and at ML is a substantial step toward the commission of a crime. Attempt and battery are supra.

Here, it could be argued that B had attempted to commit a battery by shooting into the dark, but he reasonably believed no person was there. However, he did do the actus reus of shooting, which is enough for a crime, along with the general means reus of the awareness that the act of the bullets dislodging would occur.

At ML, it is unclear if R and S are in reasonable apprehension of an immediate battery, but they are after R's hat gets shot at. This constitutes a reasonable apprehension of another battery, and that's why they run off.

Bob will try to argue defense of habitation. However, he thinks it is just animals he is protecting against. Based on the facts, it doesn't seem like he believes someone is breaking into the house and he is not scared of death or GBI, and using a gun and deadly force in response to a non-threatening situation is exceeding the scope of the defense.

Battery is supra. Although the bullet doesn't hit R, it does through his hat. Since it was on his head, it could be argued that that was force upon R.

B will argue defense of habitation and that he did not have the actus reus to hit a person. However, he did the act of pulling the trigger and knew a bullet would come out, and therefore will be guilty of battery.

**END OF EXAM**