

**Question One – 1 Hour**

Joe was working on a construction job of Val's house. Suspecting Joe had been stealing from him, Val fired Joe and refused to pay him his last week's salary of \$1,000. Joe enlisted the services of Tom to help him go to the construction site to remove a new stove that Joe estimated was worth \$1,000 because Joe had not in fact been stealing from Val. Tom agreed to go with Joe to help put the stove in Joe's pickup truck, commenting that maybe there would be a new trash compactor or dishwasher that he (Tom) could have for himself. Joe had no retort except to start up his truck.

On their way to Val's, Joe and Tom picked up Sue, a hitchhiker, whom they told of their plan to pick up the stove. Tom began to fondle Sue in the truck, but she rebuffed him, saying she preferred guys that looked like Joe, not Tom. Tom kept his hand to himself and stared sullenly ahead. Joe just smirked.

Once at Val's, they encountered a locked gate that Joe opened by hack sawing the lock. Once they were in the driveway, Joe spotted the crated stove he coveted sitting just inside the garage. It was larger than he remembered and the label revealed that it was trimmed in gold making it worth far more than \$1,000.

The three of them hoisted the stove onto the truck. Joe instructed Tom to tie down the box while he and Sue took a look around back. Once Sue and Joe reached the back door, Joe took her by the hand and forced open the door. Sue asked eagerly if they were going inside for more stuff. Joe just smirked again, but once inside, Sue picked up a steak knife and put it in her purse in case Joe "tried anything".

Joe put his arms around Sue, suggesting they lie down on the unfinished kitchen floor. Sue shook her head, but only cried softly as Joe removed her clothing and had sexual intercourse with her.

When Joe and Sue returned to the truck, the stove was still loaded with another box labeled "dishwasher". The box in fact had only broken pieces of brick from the construction. Neither box was tied down. Sue refused to get in the truck. Joe told her she had no choice because the workers were on their way. The three road off down the highway when the untied boxes fell off in the path of a VW bug with bald tires and no seat belts. The vehicle rolled over killing the driver Zeke instantly.

What crimes can you, the D.A. charge Joe, Tom and Sue with, and what, if any, are their defenses?

**Question Two – 1 Hour**

George lives in a halfway house for former mental patients. He was recently released from the state mental hospital with a diagnosis of paranoid schizophrenic. His treating psychiatrist has placed a “no alcohol” condition on George because the combination of alcohol and George’s condition could render George a danger to himself and the community.

The halfway house has a strict “no alcohol” policy, but Rick, the director, buys “near beer”, a non-alcohol substitute for the residents. Sally, a clerk at the local Safeway, Inc., has accidentally given Rick real beer on his last visit, the 6-pack still in its brown bag when George discovers and drinks it.

In his intoxicated state, George sits on the front porch of the house when 3 teenage boys wearing hoodies begin coming up the steps. Their purpose in coming up the steps is to taunt and make fun of the former mental patients. Thinking they are emissaries from the devil, George grabs a baseball bat and begins to strike them, knocking one out and breaking the arm of another. The one with the broken arm, Sid, runs frantically away and jumps into a passing car driven by Moe, who happens to be the father of the boy George has knocked out.

Sid demands that Moe take him back to get his stricken friend, but Moe refuses. Sid grabs for the wheel to turn Moe’s car around, but his broken arm prevents him from doing so smoothly causing the car to swerve into a tree killing Moe.

What are the criminal liabilities and defenses, if any, of the parties?