

Question #1 (One Hour)

Josie tired of life in LA, and bought a ranch in Bodega in January. It included a home on 5 acres planted with grapes, sheep, and goats. Josie planned to move on May 1, and hired Harold to manage the property until she arrived. As agreed, Harold put a trailer on the property in February. One night in March Harold's power went out. Harold used to be a locksmith, so he used his tools to enter the main house and turned on the power to it. Harold then moved his clothes and entertainment system in, and visited the wine cellar, helping himself to some vintage pinot noir. Josie came to visit the property in April and let herself in. She found Harold in the living room asleep on the couch with an empty pinot noir bottle beside him. She tried to awaken him and he grabbed her, pulled her onto the couch and then had sexual intercourse with her. Josie did not cry out, but when Harold laid back on the couch she pulled up her pants and ran out. Josie returned the next day with her husband, who she had told of the encounter, and found that her sheep had been branded differently than she recalled – they now had a large "H" on their hind quarter. As she drove down the lane she saw one that she recognized in neighbor Bob's field. When she asked Bob about the ewe he reported paying Harold for it. Josie tried to take the ewe with her, but Bob blocked her exit. Josie's husband, Fred, pulled out a gun and Josie grabbed the ewe and led it to her truck. When the couple returned to Josie's ranch, Harold was standing in the driveway. He called to Josie about how much he enjoyed their time together and hoped there would be more opportunity once she moved onto the property. Fred pulled out his gun again and shot Harold once as he approached the truck, wounding him.

What crimes if any occurred? Discuss at common law and modern law.

Question #2 (One Hour)

Sally had been living under the bridge in Sonoma as long as she could remember. Everyone knew where her stuff was, and came to visit with her and bring her food and pet her dog, including the beat officer. Sally had erected a tent, and would only come out when she wanted to greet people. One night she left her tent and headed into town. George saw Sally leave and quickly went to her tent, ripped open the door/flap and went inside and removed a number of canned goods on Sally's table. When Sally got to town she saw a visitor, Fred, on the plaza with a wallet sticking out of his back pocket. Sally got close to him and as her hand met his wallet, Fred grabbed her hand. Then Sally fell, calling for help. Fred ran off. Passersby came to aid Sally who hugged them, and stuck her hand into their back pockets. When Scott asked what she was doing, she shrugged it off, then walked away. As Sally walked home she encountered Ray. Sally told Rob she was tired of his garbage, pulled out her .44 and demanded his wallet. Ray had no wallet and waved his empty arms. Sally walked away. When she got back to the encampment and saw what had occurred at her tent, she followed the footsteps to George's tent, pointed the gun at him and fired. He ducked and Frank was shot in the arm.

What if any crimes occurred? Discuss at common law and modernly.