

Question 1
One Hour

Late one evening Tom and Dick went to Harry's house to see if they could borrow his Mercedes for a couple of days. Harry readily agreed, but told Tom and Dick not to drive it on the freeway. As they walked to Harry's garage together, Tom told Dick they would drive the car "anywhere they damn well pleased". Dick said nothing, but when they entered the garage they noticed a beat up old Chevy parked next to the Mercedes. "Let's take the Chevy instead" said Tom. Again, Dick said nothing, but jumped into the passenger seat. As they eased the old Chevy out of the garage, they scraped off the side view mirror on the Mercedes, setting off the car alarm. Harry entered the garage from the house and began yelling at both Tom and Dick and grabbing the door handle. Tom accelerated in reverse throwing Harry to the ground. As he lay bleeding in the driveway, Tom tried to maneuver the Chevy so as to back out squarely and drove directly toward Harry. Harry didn't see the car coming, but heard the screech of the tires as it roared away down the street. Tom and Dick saw the sign for the freeway and headed for it, but construction had closed the entrance and they veered away at the last moment, striking Joe, a construction worker, and killing him instantly. Unbeknownst to Tom and Dick, the Chevy was only worth \$200 (grand theft must be at least \$400 value), but Harry had concealed \$50,000 in cocaine in the trunk.

Two hours later, just after midnight, Harry angrily goes to Tom and Dick's house to get his Chevy and his cocaine back. He gets no answer at the door, but when he looks in the living room window, he sees a brand new Harley in the living room. He calculates that its worth about what he paid for the cocaine. He notices a set of keys hanging just inside the partially open window and, grabbing a hanger from his own car, reaches in and grabs the keys to the Harley. As he is casing the outside of the house looking for a way in, he is confronted by Dick. At the sight of Dick, Harry becomes enraged and punches him in the nose. Dick falls and hits his head on the sidewalk and dies.

What crime or crimes could each of the parties be charged with (even the decedent, Dick) and what might be their defenses?

Question 2
One Hour

Bob is a fiercely competitive lawyer. He is the founding father of one of the city's oldest firms. Recently, a rival firm has been aggressively going after Bob's clients.

One night Bob decides to do something about the rival firm and goes to his junior partner Joe's house. When Joe answers the door, Bob looks suspiciously around and asks to come in. Once inside, he reveals his plan to Joe to burn down the rival's law office. When Bob asks Joe to join him in the adventure, Joe declines, but, not wanting to upset his boss, tells him it's a good idea, but he, Joe, has to watch the kids that night. Bob has matches and gasoline that he plans to use to burn down the rival building.

Bob heads on to the rival's building and, upon looking inside, sees Tammy, chief counsel of the rival firm in her office having a conversation with Linda, Bob's own personal secretary. Convinced that Tammy is getting the lowdown on all his clients from Linda, Bob is seething. As he goes to hide in the bushes, he notices that Joe has pulled up in his car, apparently having followed Bob. 15 minutes later, Tammy comes out of the building. Bob sees her turn the lights off and lock the door. Still in a rage, Bob lunges at Tammy intending to push her down and confront her, but he ends up knocking her to the curb where she strikes her head and dies. Joe gets out of his car and comes over to assist Bob in dragging Tammy's lifeless body away from the street. Joe thinks she is just knocked out. Bob pulls out the gasoline, pours it on Tammy and with trembling hands, shaking in rage, tries to light a match. Joe, still trying to curry favor, grabs the matchbook, lights one of the matches and hands it to Bob. Bob throws it on Tammy's body, igniting not only the body, but the building as well as the fire spreads.

Bob and Joe were both unaware that Linda was still in the building using the ladies room. Linda dies in the fire.

What crimes can Bob and Joe be reasonably charged with? What, if any, are their defenses?