

Empire College School of Law
Professor Burnett
Law Studies & Exams – Midterm
Spring 2013

Issue List – Tax Day

CRIMES OF TED

EMBEZZLEMENT – Ted took money from the cash register with which he was entrusted as a cashier. No permission.

BURGLARY – Sneaking into manager’s office with intent to steal. Not C/L.

ATTEMPTED LARCENY – Came dangerously close, would have committed larceny if he could have opened the safe.

LARCENY – Took money clip from porch. Lost or Mislaid Property sub-issue.

ATTEMPTED BURGLARY – Checking doors and windows at Mike’s house. Not C/L because daytime.

ROBBERY OF LARCENY – Snatched purse. Also knocked groceries out of arms. Mike’s wife screamed.

HOMICIDE OF TAX COLLECTOR – Prosecution will probably argue Felony Murder, fleeing from robbery, hadn’t reached place of temporary safety yet. Prosecutor may argue Implied Malice Murder for such reckless driving. Defense will argue for some form of Involuntary Manslaughter, either Misdemeanor Manslaughter for speeding or Negligent Homicide for not being careful.

CRIMES OF CAL

CONSPIRACY OR CO-DEFENDANT ON BURGLARY / ATTEMPTED LARCENY? – Cal mentioned that Mike had money in office, but it’s unclear whether he was suggesting that Ted take the money or merely ask to borrow some money from Mike.