

Empire College School of Law
Law Study & Exams – Burtnett
Final – Spring 2014
Issue Outline

CRIMES OF JIM

BURGLARY—Kitchen

Issue: Can't burgle your own home, he has a right to be in kitchen

BURGLARY—Fridge

Issue: Can't burgle your own home, he has a right to access fridge

BURGLARY—Eve's Cupboard

Issue: Does he have a right of access to a cupboard set aside for a roommate? Maybe not.

LARCENY—Bread and Peanut Butter

Issue: If he intended to permanently deprive Eve of this food (not intending to pay for or replace), then he would be guilty.

LARCENY—Yogurt

Issue: Jim didn't take yogurt from fridge. If he solicited Ben, he could be guilty of solicitation. Jim might be guilty under continuing trespass theory if he intended to permanently deprive. He didn't actually eat any, but facts said he was still hungry so presumably he willingly accepted it from Ben.

CRIMES OF BEN

BURGLARY—Kitchen and Fridge and Cupboard

Issue: Ben doesn't live there. He knew Eve objected to people eating her food. If he intended to permanently deprive, he might be guilty of Burglary thrice (for entry into kitchen & entry into fridge & entry into cupboard) on an accomplice basis. But Jim gave permission & had right to access.

LARCENY—Bread and Peanut Butter

Issue: If he intended to permanently deprive Eve of this food (not intending to pay for or replace), then he would be guilty.

BURGLARY—Kitchen and Fridge (2nd time)

Issue: Ben doesn't live there. If he intended to permanently deprive Eve of her yogurt, he might be guilty twice of Burglary. But did Jim impliedly give permission?

LARCENY—Yogurt

Issue: If he intended to permanently deprive Eve of yogurt (not intending to pay for or replace), then he would be guilty.

CRIME OF EVE

HOMICIDE OF BEN

PROSECUTION: Implied malice murder? Reckless to inject toxins into food in communal fridge without sign on food or notice to roommate.

DEFENSE: Involuntary manslaughter? Negligent homicide theory

Innocent? Was it foreseeable that someone would steal her yogurt?