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===== Start of Answer #1 (1612 words) =====

People v. Betty

Did Betty commit a False pretense when she told the Barista she was a Coffee Club Member?

A false pretense is a false representation of a past or present material fact that induces the victim to pass title to the wrongdoer, who knows their representation to be false and thereby defrauds the victim.

Here, Betty's representation that she was a coffee club member was false, and it did induce the the Barista to part with something he otherwise wouldn't have. Betty knew her representation to be false. However, it's unclear whether enticing him to reveal the wi-fi password would transfer title to that password. In all likelihood, it would not transfer title.

Therefore, Betty did not commit a false pretense because title did not transfer.

Did Betty commit a Burglary when she entered the cafe?

At common law, Burglary is the trespassory breaking and entering into the dwelling of another in the nighttime with the intent to commit a felony (therein).

Here, Betty entered the the cafe in the afternoon (not the nighttime), and the cafe is not a dwelling, so there are no facts to support a common law burglary.

Therefore, Betty did not commit a burglary at common law.

Modernly, however, Burglary no longer requires the elements of breaking, dwelling, or nighttime, and includes any theft related offense (embezzlement and false pretenses).

Here, Betty entered the cafe with the intent to commit a false pretense, but because title never transferred, there was no false pretense committed (discussed supra).

Therefore, Betty will not be guilty of committing a burglary.

Did Betty commit a Malicious Mischief when she carved her initials into the table?

Malicious Mischief is the malicious destruction, or damage to, the property of another, whether real or personal. Malice is a property endangering state of mind.

Here, Betty, seeing someone else's initials carved into the table, determined she would also scratch her initials "B.A.D." onto the table. The table was the personal property of the cafe. Clearly, this would damage the property.

Therefore, Betty will be guilty of malicious mischief.

People v. Marvin

Did Marvin commit an Assault when he followed Betty?

Assault, at common law, is an attempted Battery.

Battery is the unlawful application of force to the person of another. Unlawful means unconsented to.

Here, there are no facts to support that Marvin used any force upon the person of Betty.

Therefore, Marvin is not guilty of common law assault.

Modernly, however, an assault is placing a person in fear or apprehension of receiving a battery (*supra*).

Here, Betty was apprehensive of Marvin, but not because she was in fear or apprehension of receiving a battery. She was concerned that Marvin was an undercover cop, and ran because she feared getting arrested.

Therefore, Marvin will not be guilty of a assault *modernly*.

Did Marvin commit Larceny when he took Betty's purse?

Larceny is the trespassory taking and carrying away of the personal property of another with intent to

permenently deprive.

Here, Marvin, knowing the purse was not his, and likely knowing the purse belonged to Betty (whom he was pursuing), took and went to an alley with her purse. There are no facts to suggest he ever intended to return the purse.

What about the fact the bag was "abandoned?"

Therefore, Marvin would be guilty of Larceny of the purse.

Did Marvin commit Larceny when he took Betty's laptop?

Larceny, *supra*.

Here, Marvin saw that Betty was unconcious and determined he would take her laptop, which he did. He then carried it away to a nearby alley. There are no facts to suggest he intended to return it, but it looks as if he intended not to.

Therefore, Marvin would be guilty of Larceny of the laptop.

Did Marvin commit Robbery when he took Betty's laptop?

Robbery is Larceny (*supra*) by force, fear, or threat of violence. The force, fear, or threat of violence must be contemporaneous with the taking.

Here, Marvin will be found guilty of Larceny (*supra*), but there are no facts to support any force, fear, or threat of violence. Betty was unconcious at the time, and could not comprehend the taking, so there was clearly no fear or threat of violence. The facts state that Marvin gently eased the laptop from under her body, from which no physical contact or force to remove can be inferred.

Therefore, Marvin will not be found guilty of Robbery.

Did Marvin commit Larceny (by Trick) when he used Betty's library card to take and not return library books?

Larceny, *supra*. Larceny-by-trick *is* Larceny, but the consent of the victim is vitiated by the wrongdoer's fraud or deceit.

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Marvin knew he could check out library books without returning them if he used Betty's library card. He used her card to check out books, convincing the librarian that it was genuinely his card, and intended not to return the books. He left the library with the books

Therefore, Marvin will be guilty of Larceny-by-trick, which is Larceny.

Did Marvin commit Burglary when he entered the Library with the intention of committing a Larceny?

Burglary, *supra*. Larceny, *supra*.

Because there are no facts to support that Marvin entered at night, or that the library was a dwelling, there is no common law burglary.

Modernly, however (*Burglary, modernly supra*), Marvin did enter the library with the intent to commit a Larceny, which he then completed.

Therefore, Marvin will be guilty of Burglary, *modernly*.

People v. Skip

Did Skip commit a Battery when he hit Betty with his bike?

Battery, *supra*.

Skip was going too fast and was high, and failed to avoid hitting Betty. The crashing-into Betty was an unlawful application of force to Betty.

Therefore, Skip committed Battery.

Is Skip responsible for Betty's Homicide when he hit Betty with his bike?

Homicide is the lawful or unlawful killing of one human being by another. Lawful homicides are justifiable or excusable. Unlawful homicides are murder or manslaughter.

Here, Betty died as a direct result of Skip hitting her with his bike.

Therefore, Skip is responsible for Betty's homicide.

Did Skip commit Murder when he hit Betty?

Murder is the unlawful killing of another with malice aforethought. Malice is a man endangering state of mind. Malice may be either express or implied.

Express Malice Murder

Express Malice Murder means intent to Kill.

Here, there are no facts that support any conclusion that Skip intended or premeditated to kill Betty.

Therefore, no Express Malice Murder. Express Malice Murder can be mitigated to Voluntary Manslaughter (infra).

Implied Malice Murder

Implied Malice Murder is Murder where malice can be implied from one of three findings:

1. Felony Murder Rule: While in the commission of a felony (MRMRSLAMB), someone dies.

Modernly: The felony must be inherently dangerous in the abstract.

Modernly: Larceny is not considered inherently dangerous in the abstract.

2. Intent to Inflict Great or Serious Bodily Injury short of death, but the person dies.

3. Wanton, willful, total disregard for the value of human life (depraved-heart murder).

Here, there are no facts to support felony murder, Skip did not intend to hit Betty (he was just uncareful).

Here, Skip's failure to avoid Betty is not wanton or willful.

Therefore, no Implied Malice Murder. Implied Malice Murder can be mitigated to Involuntary

Manslaughter (infra).

Voluntary Manslaughter

Voluntary Manslaughter is the intentional killing of another human being without malice aforethought.

Voluntary Manslaughter comes in two forms:

1. Heat of Passion killing: Where someone acts out of passion rather than premeditation. Heat of Passion requires: Adequate legal provocation, no cooling off period, and a causal link.
2. Imperfect Self Defense: Where deadly force is used because it is subjectively thought reasonable to do so, but it was not objectively reasonable.

Here, there are no facts to support that Skip acted out of the heat of passion, or imperfect self defense.

Involuntary Manslaughter

Involuntary Manslaughter is the unintentional killing of another human being without malice aforethought.

Involuntary Manslaughter comes in two forms:

1. Misdemeanor manslaughter rule: While in the commission of an unlawful act not amounting to a felony, someone dies.
2. Criminal Negligence: While in the commission of a lawful act, without due caution or circumspection, someone dies.

Here, Skip will be found guilty of the misdemeanor of battery, so he may be found guilty under the Misdemeanor Manslaughter Rule.

Alternatively, Skip was in the commission of a lawful act—riding his bike—but did act without due caution and circumspection: he was high, and was going too fast, and Betty died as a result.

Therefore, Skip will be found guilty of Involuntary Manslaughter under either the Misdemeanor Manslaughter Rule or Criminal Negligence theories.

People v. Tony

Did Tony commit Assault when he took the laptop from Marvin?

Assault, *supra*. Battery, *supra*.

There are no facts to support that Tony touched Marvin unlawfully in any way.

Therefore, Tony will not be found guilty of common law Assault.

Modernly, however, Tony will be found guilty of assault, because Marvin cowered in fear or apprehension of receiving a battery from Tony.

Therefore, Tony will be guilty of modern law assault.

Did Tony commit Larceny when he took the laptop from Marvin?

Larceny, *supra*.

Larceny is a crime against possession. The laptop was in Marvin's possession (albeit illegally) when Tony took it by force. It doesn't matter that Tony was hoping to find the true owner. He trespassed when he determined he would take it from Marvin, and took and carried away the laptop when he left the Alley with it. It is clear from the facts that he intended to return it to Betty for reward money, but that would permanently deprive Marvin of it.

What if that exhibits he had no intent to steal?

Therefore, Tony will be found guilty of Larceny of the laptop.

Excellent!

===== End of Answer #1 =====

END OF EXAM