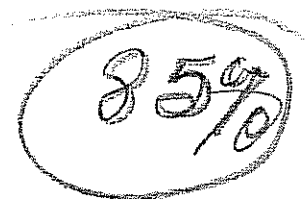


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===== Start of Answer #1 (3107 words) =====

A handwritten number '85%' is enclosed in a hand-drawn oval. The number is written in a cursive, slightly slanted style.

QUESTION 1

Crimes of Ali (A), Barry (B) and Caitlyn (C).

Are A, B, and C guilty of conspiracy when they agreed to illegally shoot fireworks off A's balcony?

Conspiracy is two or more people making an agreement to commit an illegal act.

The facts state that none of the group were aware of the ordinance making the discharge of fireworks illegal, however mistake of law will not be a defense to this crime. When the three got together and talked about shooting them, even with B's hesitation, they came to an agreement and subsequently began to shoot them off. At that point the conspiracy was formed and all three would be guilty of any natural and probable consequences of their actions.

B will argue that he withdrew from the crime however withdrawal requires more than simply saying he was concerned. Had B removed himself from the location, made an effort to stop the activity or attempted to get the police involved then he might have a defense to the conspiracy charges. As it stands B did none of those and instead stood by watching as A and C lit off the fireworks. B would be guilty of all of the foreseeable natural and probable consequences of the groups actions.

Are A, B and C guilty of arson when the fire spread to Donnas (D)?

Arson is the malicious burning of the dwelling house of another.

Here there is no expressed malice to show there was intent to burn D's house. Arson requires more than smoke damage, it requires there to be actual charring of the house.

In this case the house burns down. A, B, and C will argue there was no intent and that with no knowledge of the ordinance they can not be guilty of arson. Also, if they were aware of the lack of action on Ed's (E) part they could claim that his inaction breaks the causation chain and that had he done his legal duty the house may not have burned.

The state could argue that B being aware of the dry grass as well as the proximity of other houses, and expressing that to A and C, could be enough to show implied malice. Knowingly doing an act that could lead to a harm of this kind despite being aware of the risk would be enough to fulfill the malice element for the state.

It is likely that they will be found guilty of arson.

Are A, B, C, guilty of the murder of Frank (F)?

A homicide is the killing of one human being by another human being. There are two types of homicide, legal and illegal. Legal homicide has two categories, justifiable and excusable. Excusable homicide is Acquittal, accidental, children, idiocy, and self defense. Justifiable homicide is war and the death penalty.

Illegal homicide comes in two forms Murder and Manslaughter. Murder is either express or implied and both contain malice aforethought as the mens rea. Malice Aforethought is a unjustifiable, inexcusable, unmitigated person endangering state of mind. Express Malice Murder would be the intent to kill. Lying in wait, poisoning, and deliberating over the killing are just a few examples of EMM. Implied Malice Murder can be shown in three ways, intent to cause great bodily injury or serious bodily injury, the wanton willful total disregard for the value of human life, and under the Felony Murder Rule which states that any killing done while in the commission of a felony, that felony can be used to suffice the malice needed. Modernly the felony needs to be an inherently dangerous felony.

Manslaughter is a killing with no malice. There is voluntary manslaughter and involuntary manslaughter. Voluntary manslaughter is a killing done in the heat of passion or under the felony murder rule. Involuntary manslaughter would be negligent homicide as well as the misdemeanor manslaughter rule which states that a killing that occurs during the commission of a crime not amounting to a felony can rise that death to the level needed for manslaughter.

In this case A, B, and C were aware, through B's concerns that there was a risk of setting fire to the dry field below. They would argue that the wind was unexpected and they did not foreseeably believe that the perfect storm of events would lead to the death of F. The state could argue that with the awareness of the risk, combined with the County having an ordinance against this type of activity, that A, B, and C's action would rise to the level of implied malice murder in the fact that their actions were a wanton willful total disregard for the value of human life. ABC would say they were unaware of the law however mistake of law is not a defense to this crime. They could also argue that if it was a crime at all that it was involuntary manslaughter. They would say there was no intent, and that it was just a negligent act that could not have foreseeably lead to a person's death. Furthermore they would argue that the real cause of the death was E's failure in his duty and but for his jealous protest the house never would have burned and F would not have died.

It is unlikely that ABC would be found guilty of malice murder but is likely that they would be found guilty of involuntary manslaughter.

If however the courts decide that the FMR applies and that arson is an inherently dangerous felony then it is likely ABC will be guilty of murder under the FMR.

Crimes of Ed.

Is Ed guilty of arson when he stood by and watched D's house burn.

See arson supra.

As the fireman responding to the scene of the fire, in time to extinguish the flames, E had a duty to act. There are several relationships which give rise to the duty to act, family relationships, husband and wife, creation of the peril, contract, statute, and assumption of duty are a few. As a paid firefighter who's duty it is to extinguish this exact type situation E had a contractual duty to put the fire out.

Ed's failure to act, and the reason for it, D's refusal to go out with him a week before, could suffice the malice requirement and he could be found guilty of arson.

Is E guilty in the death of F?

See homicide supra.

Ed had a duty to act and his failure to act is the direct cause of the fire which burned the house killing F. As explained above E's contractual relationship makes him responsible for the events which occurred after his arrival. The facts say he could have acted in time to save the house however he chose not to. The state will argue that E is guilty of express malice murder by his act of action and his showing of malice towards D.E intended to let the house burn, he sat by and watched it. This could be analogized to the same effect as lying in wait. E will argue involuntary manslaughter and that he did not knowingly let a person die. E'd duty is that to protect structures and all persons inside it is reasonable to expect that a person could still be trapped inside and with the fire occurring at night, when many are in bed, his failure to live up to his duty would seem appropriate for express malice murder charges. Further mitigation could lead E to look for a implied malice murder charge, which the state could show E had a wanton willful disregard for the value of human life.

The express malice charge would be reaching, and more likely E will be guilty of

implied malice murder.

Crimes of D

Is D guilty of the solicitation of E?

Solicitation is the deliberate asking, enticing, persuading or a person to commit an illegal act.

When D asked E, who she knew had a romantic interest in her, to break in and get the bottle of tequila she was soliciting his illegal act. E need not go through with the act for the charge of solicitation to be completed it is instead completed upon asking. E need not even agree.

D will be guilty of solicitation.

Is D guilty of assault on E?

Assault is an attempted battery at common law and is placing another in apprehension modernly.

Battery is unlawful application of force upon another.

D drunkenly went over to E and pushed him which would constitute a battery. The facts do not say if E felt any apprehension so it is unknown if D will be guilty of assault.

Is D guilty of a battery on E when she pushed him?

See battery supra

D did touch E when she pushed him off of the firetruck therefore she will be guilty of

battery.

D might claim intoxication as a defense however it would be voluntary intoxication which does not negate the her actions of battering E.

Is D guilty of the larceny of the firetruck?

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

D took the truck which was the property of the fire department and left the scene. It is unknown, but doubtful, that she had the intent to permanently deprive the fire department of the truck, after all it is a big red fire truck. Not all of the elements are met here so it is unlikely that D will be guilty of larceny.

Furthermore D will offer her intoxication as a defense to the crime. She will not need it as the elements are not met.

Is D guilty of the robbery of the firetruck?

Robbery is the trespassory taking and carrying away the personal property of another with intent to permanently deprive with use of fear, force or threats.

As in larceny above the element of permanent deprivation is not met. D did use force however she will not be guilty of robbery.

Is D guilty of Malicious mischief of the mailbox.

Malicious mischief is the malicious destruction of the personal property of another.

D ran over the mailbox in a truck and thus destroyed the personal property of another.

She will be guilty of malicious mischief.

Crimes of E and D

Are E and D guilty of the burglary of D's house.

Burglary is the trespassory breaking and entering the dwelling house of another at night with intent to commit a felony within.

D solicited E to break in and get the bottle of booze therefore through accomplice liability they will both be tied to this crime together.

Modernly the nighttime, breaking and dwelling house elements are not needed, however in this case it seems all the elements for a Common law burglary are met. IT is a house, its at nighttime, there is constructive breaking (the use of water) and when E stuck his hand though he entered.

Both E and D will be guilty of burglary.

Second burglary on the deck with ABC? Committing a violation of ordinance, in a room (kind of) attached to the house, committing a crime (not amounting to a felony) so unlikely that there would be a burglary charge.

===== Start of Answer #2 (1721 words) =====

People v Barbara(B)

Is B guilty of attempted battery when she sent the poisoned brownies to Caiden(C)?

Battery is the application of force upon another without consent or legal privilege.

B wanted to poison C and make him very ill. poisoning someone is considered force upon another because they received something that was unexpected. B being C's mother had no legal privilege to poison her child. However, because the poisoned brownies never got to C she can only be found guilty of attempt.

attempt is the substantial step towards the commission of the crime beyond preparation into the zone of perpetration.

Because she had already sent the package she was well into the zone of perpetration thus making her guilty of attempted battery.

B would be found guilty of attempted battery because she took all the necessary steps to complete the battery minus C eating them.

Is B guilty of solicitation when she tells A about the plan?

Solicitation is the commanding or encouraging of another to commit a crime.

B told A after she had sent the brownies about her crime thus not meeting the element of encouragement.

B will not be found guilty of solicitation.

Is B guilty of being an accomplice after the fact when she agreed to help hide C's Body?

When a defendant knows of a crime occurring and does nothing to thwart the criminality or warn police they can be guilty of being an accomplice after the fact, B thought A murdered C and agreed to hide the dead body instead of call authorities thus making her an accomplice, this issue lies because we later found out A enjoys the right of self defense and there was no crime committed. However, the mens rea of B is that a crime was committed and she was aiding and abetting to hide the body. In a legal impossibility jurisdiction, all the legal requirements are there and B would be found guilty. If it is a Factual impossibility jurisdiction then the fact that a crime never had been committed would give a defense to B that she could not be an accomplice to a legal act. However, C died after they attempted to hide the body thus killing C by affixation. In fact C died as a result of A/B's action

B would not be found guilty of being an accomplice after the fact to murder because she would be guilty of murder.

People vs Andy(A)

Is A guilty of assault when he committed a battery against B?

hit?

assault in common law is the attempted battery, and in modern law is the placing another in fear of receiving a battery.

A hit B to after hearing the plan to poison C. Because hitting another is considered a battery, being successful still contains the attempt. If B saw A about to hit her and was in fear of being hit then A can be found guilty of assault in modern law too.

A would be found guilty of assault for attempting to and hitting B.

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Is A guilty of Battery when he hit B after hearing the plan?

Battery supra

A smacked B down to the floor applying force upon B without consent or legal privilege. The requirements for battery are prima facie in the facts. However, because she lost a piece of her scalp she may be found guilty of mayhem.

A would be found guilty of battery when he smacked B down if A is not found guilty of mayhem.

Is A guilty of Mayhem when he smacked her down and she lost a chunk of her scalp and hair?

Mayhem is the dismemberment of a body part of another.

A smacked B down to the ground and when B hit the ground she lost a large clump of scalp and hair. Although the hair does not count as a body part, the scalp will. A would be found guilty of mayhem because his actions directly caused B to lose a chunk of her scalp. The issue is whether A had the intent to dismember. If A did not have the intent to remove a chunk from B's scalp then A can only be found guilty of Battery,

A would be found guilty of Mayhem because losing a chunk of B's scalp would be considered a dismemberment of a body part from A's actions. If A would not be found

guilty of mayham than A would be found guilty of battery at the least.

Is A guilty of homicide when he shot C thinking C was an intruder?

Homicide is the killing of a human being by another human being. Homicide can be lawful or unlawful. Lawful homicide is excusable (idiocy, children, perfect self defense), or justifiable (through war, or death sentence.) unlawful homicide comes in two forms: murder and manslaughter. Murder is the killing of a human being by another human being with malice. Malice can be express or implied. Express malice murder is the killing of another with Malice aforethought. Implied malice murder is the killing of another through the commission of a felony (felony murder rule/FMR), with wanton, willful, and total conscience disregard for the value of human life, or with the intent to cause great bodily harm or injury. manslaughter is the killing of another without malice. Manslaughter can be voluntary or involuntary. Voluntary manslaughter is the killing of another through the heat of passion or through imperfect self defense. Involuntary manslaughter is the killing of another through an unlawful act which does not give rise to a felony or through criminal negligence.

The Facts suggest that A can only be guilty of express malice murder because he intended to shoot and kill the person inside his home. A will get to enjoy the defense of Defense of Habitation and Self Defense. Because A did not know who the intruder was he had to reasonably believe that the intruder was a threat to A or A's habitation. However, detached reflection cannot be demanding in the presence of an uphanded knife. it would be wrong to demand what a reasonable person would do when frightened and scared for their life. In California, you are allowed to stand your ground. A may be allowed to enjoy the right of self defense and defense of habitation. If it is believed that A was not reasonable in believing his life was threatened, then he may be found guilty of Voluntary manslaughter through the imperfect self defence. Imperfect self defense is a where reasonable force is allowed but the defendant went beyond what is

reasonable.

A should not be found guilty of Homicide through excusable Self Defense unless he was found to be unreasonable. If A was unreasonable then he should be found guilty of Voluntary manslaughter for imperfect self defense.

People v Caiden (C)

Is C guilty of burglary when he snuck into his parents house to surprise them?

Burglary is the breaking and entering the dwelling of another with the intent to commit a felony therein at night.

The facts tell us it was in the evening so the nighttime element is met and because he snuck through the window the breaking and entering element is met. The dwelling of another is met because it is his parents house. However, C only wanted to surprise his parents and did not intend to commit any crime. The element of intent to commit a crime is not met.

C would not be found guilty of burglary because he did not enter with the intent to commit a crime.

People v A,B

Is A,B guilty of conspiracy when they thought it was a great idea to poison C?

Conspiracy is the agreement between two or more people to commit an unlawful act.

A thought B's plan was a great idea and went along with it. A did not warn the police or attempt to thwart B's criminality. Our facts show that David (D) ate the brownies and became ill. A defends that he is only an accomplice after the fact because he was never

in agreement to do it he only agreed that it was a good idea after B had already committed the crime.

A/B would not be guilty of conspiracy however, A can be found guilty of being an accomplice after the fact to the battery of poisoned brownies to David.

Is A/B guilty of Battery when David ate the brownies?

Battery supra

David ate the brownies that was meant for C and became ill. through transferred intent doctrine A/B applied force to harm A but hurt David instead. B would be guilty through coconspiratorial liability because he thought it was a great idea before the brownies actually arrived.

A/B would be found guilty of battery to David through the transferred intent doctrine.

Is A/B guilty of murder when C died of asphyxiation?

Homicide supra

A will be able to enjoy the defense of self defense and defense of habitation because that is when he thought he had killed C. However because C later died after A offered to help hide the body they may be guilty of involuntary manslaughter through Misdemeanor manslaughter rule. Hiding a dead body whether excusably killed is still a misdemeanor and during the commission of that crime C died.

A/b would be found guilty of involuntary manslaughter for Hiding a dead body and the death of C resulting from that crime.

People V David (D)

Is D guilty of larceny when he ate the brownies meant for C?

Larceny is the taking and carrying away of the personal property of another with the intent to permanently deprive.

D knew the brownies were for C because it arrived in the mail addressed to C. D disregarded the fact it belonged to someone else and ate it anyway. As D grabbed the brownies that would satisfy the taking and carrying away elements and when he ate them it shows he had full intent to permanently deprive. The issue is whether he ate the brownies after C had been killed therefore they cannot be property of another. However, D had no idea that C had been killed thus making it still the property of another when he committed the crime.

D would be found guilty of larceny of the brownies because he ate brownies that belonged to C.

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===== End of Answer #2 =====

END OF EXAM