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# Blue Book

EXAMINATION BOOK

Box No. ①

NAME \_\_\_\_\_  
SUBJECT Law Study and Exam  
CLASS \_\_\_\_\_  
SECTION \_\_\_\_\_  
INSTRUCTOR Burnett  
DATE 4/11/13

PASS  
MODEL ANSWER

11" x 8.5" 8 LEAVES 16 PAGES

## Crimes of Ted

- Did Ted commit larceny or embezzlement when he took \$300 from the cash register when he worked?

- Larceny is the trespassory taking <sup>and carrying away</sup> of the personal property of another with specific intent to permanently deprive.

- Embezzlement occurs when a person who is entrusted with ~~possession~~ possession of another's money converts it to his own purpose.

Ted committed <sup>an embezzlement</sup> ~~larceny~~ when he took the cash out of the cash register and left the store. He was an employee who worked at Big Box Store and although the facts don't address it, it can be inferred that Ted was entitled to work the cash register.

Facts say he worked as a cashier, so yes, he was entrusted with \$ in his register.

and put money from customers into the cash register for his employer, who entrusted him to do so. When he converted the cash to his own purpose, Ted committed an embezzlement.

If Ted was not authorized to touch the cash register, was not entitled to deal with cash as a cashier employee, he may have committed a larceny when he took the cash from the register and carried it away, being the personal property of another (Big Box Store) with the specific intent to permanently deprive.

— Did Ted attempt to burglarize the office of the store manager?

<sup>at common law</sup>  
Burglary is the breaking and entering of the

inhabited dwelling of another at night with the specific intent to commit a felony therein.

At modern law, there is no requirement for ~~breaking~~ <sup>breaking</sup> dwelling or nighttime, but just entry ~~to~~ <sup>with</sup> intent to commit a felony.

When Ted entered the manager's office, his intent was to steal cash. It is not clear from the facts but it probably was not improper for Ted to be in the manager's office. There was no breaking when he entered, although he did sneak, it was during the day and it was a business office, not an inhabited dwelling. Ted did have specific intent to commit larceny, but was unable to open the safe.

Not attempted Burglary - TIS guilty of mL Burglary.  
Burg. is complete upon entry with wrongful intent.  
Changing mind or inability to carry through once inside is irrelevant.

and so run into factual impossibility.

There could have been an attempted burglary

Also discuss  
Attempted  
Larceny of \$  
in M's office.

at ~~common~~ <sup>modern</sup> law because Ted entered the  
office with specific intent to commit theft.

Did Ted commit <sup>larceny</sup> a crime when he found

a money clip containing \$100 on Mike's front porch?

Larceny, defined supra.

Lost property is that which has been mislaid  
by the paper owner. Abandoned property is  
that which the owner no longer wants.

Here, Ted committed larceny when he found  
the lost money clip on Mike's porch and put  
it and the \$100 dollars in his pocket. When  
lost property is found and one intends to

Good

Keep it ~~then~~ upon finding it and it would be reasonable to find the owner, he has committed larceny. Here, Ted intended to keep the cash the minute he laid eyes on it. It would have been reasonable for one to ask the people who live in the house if the money & clip belonged to them or if he recognized it as belonging to a visitor. Ted intended to keep the money and did not attempt to locate the owner.

Did Ted attempt to burglary <sup>Mike's</sup> ~~house~~ house?

Burglary, defined supra both at common law and modern law.

Ted went to Mike's house & intending to go inside

and steal money. He tried to open a window or door and only did not enter because they were locked. At modern law, it is an attempted burglary because he tried to enter <sup>with the specific intent</sup> to commit a felony or theft crime therein.

Did Ted ~~batter~~ commit <sup>assault and</sup> battery on Mike's wife?

Assault is the fear or apprehension of an imminent battery.

Battery is the unlawful touching of another with force.

When Mike's wife saw Ted she screamed in fear. Ted committed a battery when he knocked her ~~eyes~~ out of her face. An assault

Fear is  
more the  
type of  
assault.

What about  
Larceny or Robbery  
of m's  
wife's purse?

Was committed also because she was in  
fear when the battery occurred and the  
assault would ~~also~~ merge with the battery.

Did Ted commit a homicide of the  
tax collector?

Homicide is the unlawful killing of another.

It can be lawful (justified or excusable) or  
unlawful (murder or manslaughter).

Murder is ~~the~~ a homicide with malice aforethought.

Good Malice aforethought is <sup>an</sup> the unjustified, unmitigated,  
inexcusable person endangering state of mind.

It can be express or implied. Express is  
premeditated and deliberate. Implied is a

homicide occurring as a result of imbecility, great or



serious bodily injury; wanton, willful and gross negligence;  
or while attempting or committing a felony.

Involuntary manslaughter occurs when a person dies  
as a result of another's gross and reckless <sup>negligence</sup> ~~negligence~~  
or during the commission of a <sup>misdeemeanor</sup> ~~murder~~.

Voluntary manslaughter occurs when there is an  
intentional killing without malice in the heat of  
passion and ~~with~~ with adequate provocation  
but no cooling off period or in an imperfect  
self <sup>defense</sup> ~~defense~~ (person thought <sup>mistakenly</sup> ~~he~~ he was in danger or  
used more force than was necessary).

Here, it could be argued Ted is guilty of  
implied malice  
~~involuntary manslaughter~~ murder when he willfully and  
recklessly with conscious disregard for the safety

of others drove recklessly into the tax collector,  
killing him. It could also be argued that

i.e., robbery? ~~was~~ Ted was still committing a felony by  
misappropriating stolen funds to pay his taxes  
and had not completed his task or gone to a  
place of safety while he was engaged in  
committing a felony and killed the tax collector  
(felony murder rule).

There was no heat of passion or imperfect  
self defense, so Ted is not guilty of voluntary  
manslaughter.

There is no premeditation or deliberate killing and  
so Ted is not guilty of express malice murder.

The killing was not justified or excusable and

so it was not lawful.

It could be argued that Ted, aside from his earlier theft crimes, was criminally negligent (a step above ordinary negligence) when his car ran into and killed the tax collector, so that Ted is guilty of involuntary manslaughter; ~~It seems more~~ although it appears to be closer to implied malice murder.

— Did Ted commit a robbery of Mike's wife?

This would be better before the Homicide.

Robbery is defined as the larceny by force or fear. Larceny was defined <sup>defined</sup> supra.

Ted knocked groceries out of Mike's wife's arms ~~and~~ grabbed her purse, which contained \$100. He took the purse by force and Mike's

wife screamed, indicating fear. Ted is guilty of robbery.

Very good job overall. As you can see, I had a few suggestions. Also, there was an issue as to whether Cal was guilty of anything. But your structure was good. Your writing is good + you seem to know the law well. Keep practicing writing exams. You can add even more depth by adding more relevant facts to your analysis + thus can get your scores even higher. But very good work here.