

94

**Blue Book**

Model  
Answer

**NAME** \_\_\_\_\_

**SUBJECT** Law Study & Exams

**INSTRUCTOR** Hall

**EXAM SEAT NO** \_\_\_\_\_ **SECTION** \_\_\_\_\_

**DATE** 4/9/15 **GRADE** Book 1 of 2

①

## Crimes of Donald

~~Did Donald~~

Did Donald commit larceny when he took Jack's briefcase?

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

When Donald noticed Jack's expensive Gucci briefcase and figured he could sell it for a high price, he was forming the intent to take the briefcase. When he told Jack to keep it at the counter he facilitated his intent. When he took the briefcase he completed the trespassory taking of the briefcase committing larceny since he had no intention to ever return it. Upon opening

Did Donald commit embezzlement when he found \$500?

Embezzlement is the unlawful conversion of another's

property taken by someone who has possession.

When Donald took the \$500 dollars, he intended to permanently deprive Jack of it. Since

Donald had stolen the briefcase and the money in it, he was never in lawful possession of the money and

so he could not then convert it. Since the money was stolen property he would most likely

be guilty of larceny. ◦

Did Donald commit forgery?

Forgery is the unlawful copying or modifying a document with intent to pass as true.

When Donald took the prescription pad and wrote a prescription for hydrocodone he committed

forgery since he was not a doctor, had no authority to fill a prescription and intended to pass it on as real.

Did Donald attempt an uttering?

Attempt is the act beyond preparation into the zone of perpetration. Attempt is a specific intent crime.

When Donald handed the forged prescription to Bill who refused it, the crime of uttering was not completed. Uttering is the passing along of a forged document as true. Since Bill suspected the form was suspicious he refused it thus the completion of the crime was not met and an attempt was made.

Did Donald commit malicious mischief?

Malicious mischief is the malicious destruction of another's property. When Donald shoved the reading glass display off the counter and it crashed to the ground breaking it, he destroyed the store's property. Donald's malicious intent to destroy was met since he was angry at the prescription being refused.

Did Donald commit an assault on Bill?

Assault in common law is an attempted battery.

Modernly assault is putting someone in apprehension of fear or battery. Battery is the unlawful touching of another.

When Donald reached across the counter Bill may have felt fear of an imminent attack considering he had just witnessed Donald destroy the eye glass display.

Did Donald commit battery on Bill?

Battery see supra

When Donald grabbed Bill by the collar he unlawfully touched Bill thus constituting a battery. Battery is a misdemeanor.

Did Donald commit assault on Bill again?

Assault see supra

When Donald told Bill he had a gun, it is reasonable to think that Bill felt he

was in apprehension of imminent harm.

Did Donald commit robbery?

Robbery is the trespassory taking and carrying away of another's property with intent to permanently deprive by use of force or fear.

When Donald told Bill to get the hydrocodone, knowing that Donald said he had a gun, which ~~constitutes~~ would cause fear, Bill must have felt forced into giving the drugs to Donald to avoid further harm. Donald would be found <sup>guilty</sup> of robbery. By taking and carrying the drugs out of the store he completed the robbery which is a felony.

Did Donald commit a battery?

Battery see supra

When Donald suddenly and without warning ~~hit~~ head-butted Ed and twisted away, he used force towards Ed causing an unlawful and harmful touching.

Did Donald commit homicide?

Homicide is the killing of one human by another. Homicide can be lawful or unlawful. Lawful is justifiable or excusable. Unlawful is murder or manslaughter.

Donald's head-butting caused Ed's injury leading to Ed's death. Donald is liable for homicide.



Did Donald commit murder?

Murder is the unlawful killing of a person with malice aforethought. Malice is a man endangering state of mind. Malice can be expressed or implied. Expressed murder is a killing with specific intent. Modernly it would include pre-meditation, poison, lying in wait. Donald had not intended specifically to kill Ed.

Implied malice murder is the unlawful killing in three situations. First, when there is a wanton, willful disregard of human life also referred to as depraved heart. Second is intent to cause great bodily harm causing death  
ca. best?

Third is the Felony Murder Rule. FMR  
do need to be inherently dangerous felony  
modernly. Since Donald's crime of Robbery  
was the proximate cause of Donald wanting  
to escape, the res gestae would allow for  
the felony to apply to the death of  
Ed. Modernly the implied murder under FMR  
would fall under second degree murder  
which if facts lead away from would allow  
the second degree charge to be mitigated to  
involuntary manslaughter.

Did Donald commit manslaughter?

Manslaughter is the unintentional  
killing of a person without malice.

There are two types of manslaughter; voluntary and involuntary.

Voluntary manslaughter is the unintentional killing caused by sufficient provocation, in the heat of passion and when person is not acting reasonably.

Involuntary manslaughter

Excellent job! Great issue spotting and generally good time management (even though you ran a bit short on IVM at the end).