

1)

80

===== Start of Answer #1 (1603 words) =====

People v. Abby (A)

*Did A commit burglary in entering CalMart to get food and drinks?*

**Burglary** is the breaking and entry at night into the dwelling of another with the intent to commit a felony therein. Modernly a burglary is the entry into a structure, large enough for a human to stand, with the intent to commit a crime.

A went into CalMart with the intention of getting food and drinks. She told Bobo (B) to "watch her back" before they entered the store. This proves her intent to steal before entry. The facts do not state whether it was night to be a common law (C/L) burglary, but the facts prove that a modern law (M/L) burglary existed.

*Did A and B commit conspiracy to steal food and drink?*

**Conspiracy** is the agreement between two or more people to commit a crime.

A wanted assistance in stealing tequila. A had B follow her into the store B was aware that A was possibly going to steal and followed her into the store. A and B formed a conspiracy to steal inside CalMart.

. Though he feared that A might steal, he watched her place tequila down her pants. He did not stop her or warn others that she was going to commit a crime. B's actions showed that he agreed with the crime by "watching A's back." B did not withdraw or escape from liability of the crime.

*Did A commit larceny of the tequila bottle and burritos?*

**Larceny** is the trespassory taking of the personal property of another with asportation and specific intent to permanently deprive.

A took the bottle of tequila and burritos and dropped them into the front of her pants. The property belonged to the store and A intended to permanently deprive. A wanted food and drink. A committed a larceny of the bottle at the moment she dropped it into her pants.

*Did A commit malicious mischief when the tequilla bottle dropped and broke?*

**Malicious mischief** is the malicious destruction or damage of the personal property of another.

A held the tequila bottle in her pants but it fell to the ground when she was hurrying to the front door to exit. The bottle broke. A committed malicious mishief by destroying the personal property of the store.

*Did A commit a homicide when Calvin (C) died after being cut on broken glass?*

**Homicide** is the killing of a human being by another human being. It can be lawful or unlawful. Lawful is justified or excusable. Unlawful homicide is murder or manslaughter.

**Murder** is the killing of a human being with malice aforethought. Malice aforethought is the unjustified, inexcusable, unmitigated human endangering state of mind. Murder can be express or implied.

**Express malice murder** is the intentional killing of a human being with malice aforethought. Modernly the factors of deliberation or premeditation are considered.

**Implied malice murder** is the unintentional killing of a human being based on one of three criteria: 1. Wanton willful disrespect for the value of human life, 2. Causing severe bodily injury, or 3. by the perpetration or attempted perpetration of a felony in which a death results (felony-murder). Felony murder modernly requires an inherently

dangerous felony to be committed.

**Manslaughter** is the killing of a human being by another without malice. It can be voluntary or involuntary.

**Voluntary manslaughter** is the intentional killing in the sudden heat of passion with adequate provocation and no cooling off period, or is an imperfect self defense.

**Involuntary manslaughter** is the unintentional killing by criminal negligence or misdemeanor manslaughter. Criminal negligence is doing a lawful act with out cause or circumspection. Misdemeanor manslaughter is committing an unlawful act in an unlawful manner, less than a felony.

Calvin (C) slipped on the broken glass of the tequilla bottle. He was a hemophiliac and beld to death as a result of the glass cutting him. The glass was the natural and probable consequence of A dropping the bottle while in the commission of a larceny. A did not intend to harm C and therefore express malice murder is not a charge against A that would be considered. A was in the commission of a felony (under c/l) and felony-murder would be a possible charge. The glass cutting C was the natural and probable result of her stealing a bottle and hiding it in her pants. A must take her victim as she finds him and C having a bleeding disorder will still make A culpable of felony-murder. A might mitigate the implied malice murder charge to voluntary manslaughter but there was no provocation or heat of passion in the fact pattern. C coming closer to A would not be sufficient provocation. A was not in a situation to be defending herself, so imperfect self would not be considered. A might mitigate the charge to involuntary manslaughter. A was in the commission of an unlawful act when she dropped the bottle that injured C. A would have a hard time proving that she was not in the commission of a felonious larceny, but if she was able to prove that her intention was not to take the tequilla, the murder charge could be mitigated to misdemeanor manslaughter.

*Did A commit conspiracy to get B to enter the house and take coffee?*

**Conspiracy** supra.

**Burglary** supra.

A lied to B in saying that the house was her Aunt's and they could have coffee. B agreed to go inside, but under the mistake of fact that the entry was lawful. A conspiracy was not formed to take the coffee because of the mistaken belief that it was okay to do so.

*Did A commit burglary of Edna's house?*

**Burglary** supra.

*A knew that the house was not her aunt's and she was not invited to go inside. She intended to get the coffee. Under c/l the element of a break is perhaps not valid. A entered through an unlocked door under c/l can be by a constructive break. A did not use another person to open the unlocked door, so this element is probably not met under c/l definitions. The facts do not state whether the entry is at night. This is also an element under c/l that is necessary. A did commit a modern law burglary by entering uninvited into the home of Edna and pouring two cups of coffee. A's intent was to drink the coffee, which would be a larceny. A committed a modern law burglar of E's house.*

*Did A commit larceny of the coffee in E's house?*

**Larceny** supra.

A took coffee from E's house. The value to E might be challenged to constitute a larceny, but depending on this issue, a larceny occurred if the coffee is seen as a possession that was not to be taken. If this is not seen by the jury as a larceny, then the burglary is also not a chargeable offense.

*Did A commit mayhem of B's left ear?*

**Mayhem** is the malicious disfigurement of the body part of another.

---

A threw a knife at B and it cut off his left ear. A has no defense of duress because she was not threatened with bodily injury herself if she did not throw the knife. A is culpable of mayhem.

People v. Edna (E)

*Did E commit a battery of B when she threw the pot of hot coffee at B?*

**Battery** is the unlawful application of force to another.

E threw the coffee not knowing that B was a person but rather a cow that she was chasing out of her kitchen. E's defense would be the inability to tell right from wrong (M'Naghten rule) and if she was found to be insane she would be excused from the crime of battery.

*Did E commit mayhem of B's chest with the scalding coffee?*

**Mayhem** supra.

E caused a serious burn to B's chest and this disfigurement could be considered a body part. However, E has a possible defense of insanity and would not be convicted of the crime, by not understanding the difference between right and wrong.

People v. Ringmaster

*Did the ringmaster commit solicitation in trying to get A to cut off more ears of the circus clowns?*

**Solicitation** is the encouragement to commit an unlawful act.

The ringmaster hired A as long as she agreed to cut off the ears of other clowns. A did not agree and quit the circus. A conspiracy was not made from the solicitation because A did not agree with the ringmaster's plan.

People v. Bobo (B)

*Did B participate in the conspiracy to steal food and drink from CalMart?*

**Conspiracy** supra.

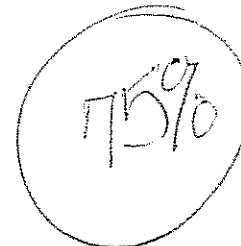
B did not directly agree to A's plan to steal food and drink, but B was aware that A might be thinking of stealing something from inside the store when B was asked to "watch her back." B continued with A and did not thwart the crime that A was committing. B watched as A put several burritos and a bottle of tequilla down the front of her pants. B did not attempt to withdraw or stop the crime. B joined the conspiracy and will be charged for all crimes committed after joining. B will be culpable for the larceny of the burritos and tequilla as well as the homicide of Calvin. The conspiracy ended at the time they left the store. B might try to defend that he did not know of the conspiracy, but he watched A grab two burritos and tequilla, knowing that she could possibly be stealing and he did nothing to stop her.

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

2)

===== Start of Answer #2 (1664 words) =====

people v zimmer



Can Zimmer(Z) be guilty of assault when he pointed the gun at trevor (T)?

Assault is at common law an attempted battery. Attempt is a positive act to committ a crime shown beyond mere prerperation. Battery is the unlawful application of force to another. Z had a unreasonable belief that T was there to commit a burglary. he pointed a gun at him. One can assume that since he pointed the gun he most likely meant to shoot him. If he shot him there would be a battery (if it did not kill him; discussed infra). At common law Z can be guilty of assault. Modernly assault is placing someone in reasonable apprehension of a battery. The facts state that T feard that Z was going to shoot him. this is sufficient for apprehension, Z can be guilty of modernlaw assault.

Can Z be guilty of Battery when he pulled T down by his arm?

battery (supra) Z applied force this is shown by the facts which state he grabbed T's arm and pulled him. Z can be guilty of battery.

Can Z be guilty of unlawful homicide of T/

**Homicide** is the killing of one human being by another human being. It can be either lawful or unlawful. Lawful homicide is through self defense, defense of others, defense of habitation, or in the time of war done by a soldier, and during a legal execution. Here Z believed T was attacking him and thought he was acting with self defense. This may not have been perfect self defense but imperfect self defense (discussed infra) if it is imperfect then the homicide was unlawful. Unlawful homicide can be **Murder**. Murder is homicide with malice aforethought. Malice can be either express or implied. Express malice murder is the specific intent to kill. Here the facts state that Z's gun accidentally discharged, therefore he lacked the mens rea to specifically kill T. Malice can also be implied. Implied malice can be shown one of three ways. (1) A homicide resulting from the intent to commit great bodily injury, which in this case maybe shown by the fact Z pointed a loaded gun at T when any reasonable person would know that shooting somebody would cause great bodily harm. (2) A wanton wilful disregard towards human life. Here again pointing a gun at somebody can show a disregard towards their life, and it maybe shown that Z had ill will towards T based on him thinking he was a burglar. (3) The last is any homicide that occurs during the commission of a felony. This is known as the felony murder rule. At common law it could be any felony. Modernly it has to be an inherently dangerous felony which excludes larceny. There was no felony committed by Z so he cannot be guilty of FMR. He maybe guilty of implied malice murder by intent to commit great bodily injury shown by pointing a gun at T, or perhaps a wanton wilful disregard towards human life.

Can Z be guilty of involuntary or voluntary manslaughter?

Voluntary manslaughter is an intentional homicide resulting from the sudden heat of passion due to adequate provocation without a cooling off period. Here Z may have

---



been acting out of a heat of passion. The question is whether or not T's actions constitute adequate provocation. Merley throwing candy at someone will most likely not constitute adequate provocation to make someone kill. The other way to be guilty of voluntary manslaughter is through imperfect self defense. This is excessive or deadly force applied to another party on one's unreasonable belief that they are under threat of death or great bodily injury. Here once Z fell T tried to pick him up, Z most likely thought that T meant to cause harm to him because he was down. When Z pulled T down it can be inferred that Z had a belief that T was attacking him causing Z to pull the trigger. However since the shooting was an accident the argument for voluntary manslaughter based on imperfect self defense may not work. Involuntary manslaughter is a homicide resulting during the commission of a unlawful act not amounting to a felony. Known as the misdemeanor manslaughter rule. Here there was a battery of T by Z when Z grabbed him and pulled him down. There was also an assault before that. One can make the argument since T was killed during the battery Z maybe found guilty of involuntary manslaughter based on this. The other way to reach involuntary manslaughter is a homicide during a lawful act without due caution or circumvention. Here Z thought he was doing a lawful act which was protecting his neighborhood and defending himself against T. Since the gun went off accidentally it can be said that he was operating it without due caution resulting in criminal negligence. Based on this if in fact Z was acting lawfully he maybe guilty of involuntary manslaughter, if not voluntary manslaughter based on imperfect self defense, or implied malice murder.

People v. Trevor

Did Trevor commit assault and battery when he threw a candy at Z?

Battery (supra) If the candy hit Z then there would be a unlawful application of force by way of the candy and T could be guilty of battery. However these facts are silent on whether or not Z was in fact hit by the candy, all it states is that Z fell after T threw the candy. T may only be guilty of the assault if the candy never hit Z.

People v. Mary(M)

Is Mary guilty of battery when she kicked Z?

Batter(supra) Mary in fact kicked Z. The kicking is an unlawful application of force, therefore M will be guilty of battery.

Is M guilty of larceny when she took Z's gun?

Larceny is the trespassory taking and carrying away of the property of another with intent to permanently deprive. M did in fact take and carry away Z's gun which is his property, however the fact that she was intoxicated can be a defense for the intent to permanently deprive. While voluntary intoxication is not a defense to most crimes it can be a defense to specific intent crimes such as larceny. If it can be shown that she was so intoxicated that she could not form the mens rea to deprive Z permanently of his gun she will not be guilty of Larceny. This is the most likely outcome because the facts say she was extremely intoxicated. M will most likely not be guilty of larceny.

Is M guilty of burglary when she entered Bob's (B) house?

Burglary at common law is the breaking and entering the inhabited dwelling home of another at night with the intent to commit a felony therein. Modernly there is no night, breaking, or inhabited dwelling or another element. It is also open to all theft crimes as well as felonies therein. Here it was night time she did enter the dwelling home of another however the facts are silent on whether or not there was a breaking. The intent to commit a felony is also missing. First the facts say she entered by mistake thinking it was her own home, secondly even if she went in to steal she was so intoxicated there would be a question on whether or not she was able to form the specific intent to commit a felony. M will not be guilty of common law burglary. Modernly the intent element is missing as well so she will not be guilty of modern law burglary.

Did M attempt to committ murder when she fired the gun at B?

Attempt (supra); Murder (supra)

M unreasonably though that B was in her home trying to rape her. This is unreasonable because she was in B's home due to her intoxicated state. Attempt is a specific intent crime, due to her intoxication she lacked the abiltiy to form the specific intent. For there to be an attempted murder she would have to have the specific intent to kill B. She did not have this specific intent, and she mistakenly thought she was defending herself, and there can not be an attempt to imperfect self defense. M will most likley not be guilty of attmeted murder of B.

Is M guilty of assault when she shot at B?

Assault (supra) At common law she will not be guilty because she had to attempt to committ a battery. Modernly she will be guilty of assault if B was in apprehension of being shot and one can assume he was because a reasonable person would be in apprehension when being shot at.

Is M guilty of malicious mischief when she accidently shot B's cow?

malicious mischief is the malicious destruction of ones property. For malicious mischief there doesn't need to be a specific intent to destruct. The malice is shown by a property endangering state of mind. It can be shown in M by the fact that she shot at B and it hit the cow. Since it is not a specific intent crime voluntary intoxication will not be a defense. the cow was B's property and M destroyed it by shooting at B with a disregard on whether is proerty was destructed or not. Since there can be no homicide of the cow because it is an animal M will most likely be guilty of malicious mischief.

people v. bob (B)

