

**CRIMINAL LAW FINAL EXAM  
Vorenberg Spring 2009**

**\*\*General Instructions\*\***

**IMPORTANT:** By submitting your answers to this final exam, you acknowledge that you are bound by Pierce Law's Honor Code, and that any material that is plagiarized, even if negligently so, is a violation of the honor code.

- This is an **open-notes (ONLY YOUR OWN), closed book** in-class exam.
- **This is an individual exam – do not collaborate or discuss this with anyone.**
- This exam is worth **50% of your grade** in the course.
- This exam has **6 pages** (including 2 for these directions). Be sure you have all of them.

**Exam number identification only:**

1. Use **only** your assigned **Exam Number** for this exam.
2. **Do not** use your name or Social Security Number anywhere.
3. **Do not** provide any identifying information anywhere on the exam.
4. **Providing any identifying information on or after the exam and before the exam is returned is a violation of the Pierce Law conduct code.**
5. **Put the number of the exam question next to your answer (e.g. 1A, 1B, 2, 3 et.) so it clear which question you are answering.**

**"Tips" for taking this examination:**

- Read the "call of the question" and the specific instructions first. Determine the specific relevant legal issues and parties as you read through the entire fact pattern.
- **Map out or outline** your response. There will be multiple parts – elements, factors – that require you to address different points. Having a sense of how many different points you need to address will help you allocate the time you spend on each.
- You know a lot about criminal law. Remember that I can assess your knowledge and abilities only by what I **see** and can **understand** in your written responses; **EXPLICITLY show the steps in your reasoning.**

<b>Criteria for evaluating exam responses(essay questions)</b>	
<b>1. Identifies basic legal issues and ambiguities in legal issues</b>	<input type="checkbox"/> Identifies elements and/or tests of crimes or legal concepts <input type="checkbox"/> Identifies issue(s) <input type="checkbox"/> Uses reasoning when appropriate <input type="checkbox"/> Uses policy concerns when appropriate
<b>2. Applies facts from problem</b>	<input type="checkbox"/> <b>Specifically</b> applies facts to law
<b>3. Responsiveness to questions asked</b>	<input type="checkbox"/> Identifies all issues, weaknesses (if asked) and key facts <input type="checkbox"/> Draws reasonable inferences from facts
<b>4. Communicates clearly</b>	<input type="checkbox"/> Writing is legible (if writing), understandable, basic organization is apparent.

<b>Criteria for evaluating exam responses (short explanations of multiple choice answers)</b>	
<b>5. Identifies basic legal issue</b>	<input type="checkbox"/> Identifies elements and/or tests of crimes or legal concepts
<b>6. Communicates clearly</b>	<input type="checkbox"/> Writing is legible (if writing), understandable, basic organization is apparent.

**Criminal Law Exam**

**Spring 2009 Vorenberg**

1: (15 points)

Bobby, Lex and Doug are sitting around playing video games at Lex's house. While they are playing the game, Lex is texting with his girlfriend, Vanessa. They are having a text fight about whether Vanessa cheated on Lex. During the fight, Lex is talking a lot of "trash" about Vanessa. Bobby and Doug are verbally agreeing with Lex's comments. As the texts progress, Lex gets more and more angry. Finally, he throws down his phone and says, "let's take a ride - I got something I gotta do, can you give me a ride?."

Bobby and Doug go along with Lex but do not ask him what he has to do. However, Lex is muttering and swearing about Vanessa. They get into Bobby's car - Bobby drives and Doug is in the front passenger seat. They drive around for awhile and then Lex says, "drive to Sunset St." Both Bobby and Doug know that Lex owns a small handgun, but they do not know if he has it on him.

When they get to Sunset, Lex tells Bobby to stop in front of a house. Bobby and Doug have been to this house before and know that Vanessa either lives here or has a friend that lives here.

Lex gets out of the car and says to the two others "wait here." By this time Lex is visibly agitated and upset and muttering about Vanessa and her "cheating."

Fifteen minutes later, Lex runs out of the house and says "go!" They drive away. Lex says "Well, I took care of that business."

Later that day, the police discover Vanessa's body. She has been shot twice. Witnesses say that they saw Edgar - the boy that Vanessa was allegedly cheating with - running away from the house at about the same time that Lex went in.

All three boys are over 18.

- A. Assume you are a prosecutor and you must write a statement setting out Lex's possible liability for homicide crimes. Please identify the highest possible charges available, as well as any lesser charges that may apply. Note any potential weaknesses you see in the case.
- B. Write a statement as to whether Doug and Bobby are criminally liable for the murder of Vanessa. Explain the criminal theories upon which their liability would be based as well as weaknesses in the case against them.

2: (15 points)

Snoop hated the popular vocal ensemble the Trixie Dix because the Dix had made disparaging statements about the President. When Snoop learned that the Dix were going to be giving a big concert at a large local venue on July 4, he decided to disrupt the concert.

On June 30, Snoop went to the Fireworks Works, a store operated by Bub Varner. Snoop explained to Varner that he wanted something really loud with a short fuse because he wanted to throw it from the balcony during the Dix Concert.

Varner recommended a "Cherry Bomb Supreme," a kind of firecracker. On July 4, Snoop attended the Trixie Dix concert. At the end of the first song, Snoop lit the fuse of one of the firecrackers and threw it off the balcony.

The firecracker did not explode in mid air as Snoop expected. It exploded just as it hit the floor of the aisle below.

When the firecracker exploded, a member of the audience screamed, "Someone has a gun. Run for your lives." As a result, thousands of people rushed for the doors. In the rush, Sarah Burnhardt fell to the ground. She was kicked and stepped on by many members of the crowd.

The concert hall was in compliance with all exit route regulations.

Burnhardt was rushed to the hospital and died from internal injuries resulting from trauma to her abdomen.

- A. Assume you are a prosecutor and you must write a brief statement setting out the possible homicide charges against **Snoop**. Please identify the highest possible charges available, as well as any lesser charges that may apply. Note **any potential problems or weaknesses regarding Snoop's criminal liability** you see in the case.

3. The Florida legislature passed a new law making it a crime “to be addicted to drugs.” A PO observed Deb walking unsteadily and appearing under the influence on a public street and asked her if she was OK. Deb said “Leave me alone.” The PO saw fresh needle marks on her arm. Deb saw him looking at her arm and said – “don’t arrest me, I need a fix.”

**Can Deb be successfully prosecuted for public intoxication?** (2 points)

- A. Yes, the PO’s observations are sufficient to convict Deb.
- B. Yes, based on the PO’s observations of Deb’s needle marks.
- C. No, a conviction would violate Deb’s constitutional rights.
- D. No, Deb’s statement cannot be used against her.

4. Howie honestly believes that he is designated and commanded by a higher power to facilitate Paula Abdul’s entrance into heaven. Hoping to fulfill this task, Howie goes to the American Idol show, sneaks in a pistol and kills Paula Abdul. What is the **most likely successful** defense that Howie can invoke? (2 points)

- A. The Durham Rule
- B. The M’ Naughten Rule
- C. A defense of diminished capacity
- D. A claim of incompetence

5. Please briefly explain your answer to question 4, above. (6 points)

6. Edgar, age 19, is accused of having sexual intercourse with Sue, age 14 in violation of the following statute:

A person commits a felony of the second degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is four or more years older than the complainant and the complainant and the person are not married to each other.

Edgar’s **best defense strategy** to this charge is: (2 points)

- A. Edgar was intoxicated at the time of the offense.
- B. Sue had said she was 17 and Edgar believed her.
- C. Sue gave consent.

D. Sue and he spent the night together but they did not have any sexual contact.

7. Please briefly explain your answer to question 7, above. (6 points)

8. Which of the following best describes voluntary manslaughter: (2 points)

A. Intentional Killing with malice but no premeditation.

B. Unintentional killing is the result of defendant's reckless disregard for human life.

C. Intentional killing is provoked.

D. Intentional killing is excused by defendant's diminished capacity.