Answer Key Criminal Law Final Exam Fall 2009

I. Multiple Choice

1. C 2. B 3. A 4. C 5. D 6. A 7. B 8. C

9. C 10. B 11. A 12. B 13. A 14. C 15. C

II. 28 Points

False Public Alarm- 8 points

Strict Liability: Discuss arguments for and against a strict liability interpretation

Mens Rea: Analyze mens rea issue if strict liability not found

Accomplice Liability - 6 points

Mr. Heene: guilt for false public alarm through complicity theory

Thomas: complicity elements/mens rea problem

Conspiracy – 5 points

Members and proof of intent

Pinkerton liability

Merger of conspiracy and substantive offense

Between Thomas and Keene – agreement to commit crime?

Duress – 4 points /apply elements to Mrs. Keene

Reckless Endangerment – 3 points

Apply to Falcon Keene

Apply to general public

Vagueness – 2 points

Is false public alarm statute unconstitutionally vague?

III.

A. Attempt -6 points

Discuss: Elements and types of attempts

Criminalized because defendants may be dangerous and deserve

punishment

Raises question of punishment in the absence of harm

B. Mistake of Law – regarding whether defendant's conduct constitutes a crime Exceptions: unpublished law

Advice from public official in official capacity Legislature makes this an element of the offense – eg.

"willfully" violates

IV. 20 points

Voluntary Manslaughter – 8 points

Reasonableness of Extreme Emotional Disturbance or Legally Adequate

Provocation

Subjective vs. Objective standard of reasonableness and defendant's

history

Killing not intentional

Involuntary Manslaughter – 3 points / Reckless or negligent killing Extremely Reckless Murder – 3 points Felony Murder – 3 points / attempted kidnapping and designated felonies Attempted Kidnapping – 3 points