

Exam Answer Key - Criminal Law Fall 2007

I. Multiple Choice - 3 points per question:

- | | |
|------|-------|
| 1. B | 7. B |
| 2. D | 8. D |
| 3. A | 9. C |
| 4. A | 10. A |
| 5. B | 11. D |
| 6. C | 12. B |

II. 21 Points

A. Robbery - 3 points

Include elements of robbery, application to these facts and possible issue presented by claim of defendant that he was the true owner of the property

Felony Murder - 3 points

Include elements, concept of enumerated felonies and apply to facts

Involuntary Manslaughter - 3 points

Reckless and/or negligent killing because loaded gun was pointed at victim during course of demanding property

B. Whether Goldman's conduct constituted Murder or Voluntary Manslaughter- 6 points

Include elements of each including contrast between early common law definition of voluntary manslaughter (heat of passion and legal provocation) vs. newer (MPC) definition (extreme emotional disturbance)

C. Insanity - 3 points

Include elements of M'Naughton test: i) mental disease or defect; ii) prevents defendant from understanding nature or consequences of conduct; OR iii) right from wrong. And that "wrong" means morally wrong.

D. Constructive Possession - 3 points

Elements of constructive possession. Application to facts including: ownership of property, physical possession, control of hotel room, directing movement of property, evidence of intent.

III. 20 Points

A. Theft: 3 points

Include elements of theft, apply to facts, identify potential issue due to fact that chicken was given to her and contrast impact of this fact under common law vs. modern theft statutes.

B. Necessity Defense: 7 points

Elements of this defense and reasons her beliefs may not have been reasonable or were reckless and consequences of unreasonableness/recklessness given that theft has a purposeful mens rea.

C. Assault or Attempt: 4 points

Elements and application to facts

D. Self-defense: 6 points

Elements of this defense and reasons her beliefs may not have been reasonable or were reckless and consequences of unreasonableness/recklessness given that attempt has a purposeful mens rea.

IV. 17 points

Issues to be included:

Sentencing Goals - 3 points - Deter through high penalty and high grading

Statutory elements - 10 points

Eliminating non-consent or against will elements to move focus away from victim

Eliminating resistance requirement

Possible elimination of mens rea and how that could be plausible

Rape Shield Laws

Voluntary Intoxication - 4 points

Relation between mens rea requirement and availability of defense

Explicit preclusion of defense