

# Blue Book

NAME \_\_\_\_\_

SUBJECT

*Criminal law*

INSTRUCTOR \_\_\_\_\_

EXAM SEAT NO. \_\_\_\_\_

SECTION \_\_\_\_\_

DATE \_\_\_\_\_

GRADE

*Ques. 1 - 85%*  
*Ques 2 - 85%*

10 7/8 x 8 1/4

50-16 PAGE

## Question 1

### Crimes of Anne

Did an commit an assault and battery of Bailly when she sent her attack dog after him?

Assault is the attempt to commit an unlawful application of force upon another, or the intentional creation of the apprehension in another of an unlawful application of force. Attempt is moving beyond the zone of preparation into the zone of perpetration and/or a substantial step toward the commission of the crime. Battery is the unlawful application of force.

Anne's releasing of her dog

was an assault because she directed

it to attack which is a substantial

step toward the commission of

a battery. Once the dog bite Bailey

or even touched him the battery

was complete because that's the

unlawful application of force upon

another and the dog was acting

as an extension of Anne.

→ She would raise defense of others b/c it  
was subjective and objectively reasonable to believe  
Danna needed help.

Did Anne commit a mayhem when

the dog ripped off Bailey's arm?

Mayhem is the malicious deprivation of

or dismemberment of the body part of another. It is a limb endangering state of mind and the notice can be express or implied.

Anne's releasing of the dog & the dog's ripping the arm off of Billy constitutes mayhem because it can be implied from releasing a vicious attack dog a limb of the person its attacking is in substantial danger.

~~Once~~ The dog is the conduit through which Anne's mayhem was completed.

Though she did not expressly tell the

dog to rip it off, it can be implied

that she had the limb endangering

state of mind when she commanded

it to attack.

She would raise defense on others & get it b/c it was subjective & objectively reasonable to believe Donna <sup>needed help</sup>

Is Anne culpable for the homicide

of Baily who bled to death?

Homicide is the killing of one human

being by another. It can be lawful (justified,

excusable) or unlawful (Murder or Manslaughter)

Murder is the killing of one human

being by another with malice aforethought.

Malice can be express or implied. Express

malice is intent to kill. Implied malice

can be ~~be~~ gotten to through intent to do great bodily injury where someone dies, wanton willful disregard for the value of human life, or the Felony Murder Rule - while in the commission of a felony someone dies. Modernly the felony must be inherently dangerous therefore larceny is excluded.

Anne did not express an intent to kill Bailey but she did intend the dog to attack. The intent of releasing an attack dog can imply malice under intent to do great bodily injury. Bailey

die as a result of the great injury.

Anne is culpable for implied malice murder.

Is Anne culpable for voluntary manslaughter?

Voluntary Manslaughter is a heat of passion killing or imperfect self defense.

Heat of passion requires legally adequate provocation, no cooling off period, not

acting out of reason & a causal connection

between the provocation and the killing.

Imperfect self defense is where the

law would have allowed for some

force but excessive force is used.

The facts are not geared toward  
heat of passion or imperfect self  
defense. ~~but it could be argued that~~  
~~the pointing of a gun is legally etc.~~

Is Anne culpable for involuntary manslaughter?

Involuntary Manslaughter is criminal negligence  
or misdemeanor manslaughter. Criminal  
negligence is while in the commission  
of a lawful act done w/ due caution  
or circumspection someone dies.

Misdemeanor Manslaughter is while in  
the commission of an unlawful act  
not amounting to a felony someone

dies.

Anne is culpable under the misdemeanor manslaughter rule because she was in the commission of an assault & battery ~~of~~ of body which led to his death.

Anne has the defense of others defense available to her.

Defense of another (minority) she is allowed to use as much force as is legally allowed to the person she is defending, including deadly force or if she has a subjective

belief that it is objectively reasonable that someone needs her help, she may use necessary, including deadly force.

Anne exercised deadly force because she subjectively and had an objectively reasonable belief that he was going to kill Donna. ~~She will be~~ The defense of others will stand for her particular situation since body's gun appeared to be real & he was threatening Donna.

Did Anne commit a burglary when she entered Ed & Fred's home

Burglary at common law is the breaking and entering into the dwelling home of another at night with ~~the~~ the intent to commit a felony therein.

At modern law drop the elements of breaking, nighttime, habitation and a theft related offense will suffice.

Anne broke and entered when she slammed through the door.

It was night time and the building was Ed & Fred's dwelling home. She did NOT have the intent to commit a felony or theft related offense.

therein. Therefore she is not guilty of battery at modern or common law.

Did Anne commit a battery of Donna when she slammed into her?

Battery Supra

Anne committed a battery because the slamming of Donna to the floor was an unlawful application of force.

Crimes of Fred & Ed

Are Fred and Ed guilty of conspiracy when they agreed to kill Mr. Roman

who slammed through their door (murder as the unlawful purpose)?

Conspiracy is two or more minds for an unlawful purpose. At common law the agreement is enough, at modern law an overt act toward the commission of the unlawful purpose must be done. The natural and probable consequence of ~~the~~ conspiracy doctrine says all co-conspirators are culpable for crimes committed by co-conspirators that are the natural & probable consequence of their plan.

Fred and Ed agreed to kill Anne,  
at common law they are guilty.

When they left the coach with  
the intent to find her is enough  
to convict at modern law based  
on the overt act in furtherance  
of the plan to kill.

Did Fred and Ed Attempt to  
murder Donna?

Attempt supra.  
~~etc~~  
Murder supra.

Attempted Murder requires the  
specific intent to kill. Not only

did their conspiracy specific exemplify that intent the grabbed her and tried to shoot her multiple times but the gun would not fire. This is a substantial step toward the commission of a murder. Fred & Ed are both guilty under co-conspirator liability.

They will try to raise the defense of habitation. Deadly force is authorized to prevent a breach of the habitation. Here the ~~is~~ suspected burglar was gone and they were

trying to make an example. The

burglar had long retreated and ~~is~~

left meaning the danger was gone.

No defense will be given.

Are Fred & Ed guilty of kidnapping?

When they took Donna?

Kidnapping is taking someone against  
their will an appreciable distance.

F & E grabbed D against her

will and dragged her into the

home. The distance from the side

walk to the home is appreciable.

Because any movement against

Someone's will can be. <sup>Conspirator</sup> <sup>Conatural & probable</sup> liability makes the both guilty.

Are F & E guilty of false imprisonment  
of Donna?

False imprisonment is the holding  
of someone against their will.

Donna was dragged and held in  
the home, ~~to~~ against her will.

Both are guilty under natural  
and probable consequence doctrine  
of coconspirator liability.

### Crimes of Bailly

~~Q~~ Is Bailly guilty of attempted

murder of Donna when he pointed

at her <pointed gun in her face>

Attempt Supra

Murder Supra.

Attempted Murder is specific intent.

He did not specific intent to kill

Donna. He was her friend and

at most wanted her to fear

a battery from the water.

Bailey did not harbor the proper

mens rea for attempted murder.

Crimes of Donna

Did Donna Assault Anne when

she said she was going to do the

same thing thing she just did to

to Bailly?

Assault supra.

Anne was in apprehension of receiving an unlawful application of force from Donna. Donna clearly expressed her intention of putting Anne in that ~~the~~ apprehension.

Donna is culpable for assault.

## Question 2

Crimes of Raul Spike & Tina (R, S, T)

Did one R S & T form a conspiracy to ~~rob the bank~~ burglarize the bank when they agreed to ~~rob the~~ commit a larceny of the money?

Conspiracy is two or more minds for an unlawful purpose. At common law the agreement is enough. At modern law there must be an overt act in furtherance of the co-conspiratorial plan. Anything that is the natural and probable consequence of the conspiracy will go to all conspirators. Burglary is the breaking ~~open~~ and entering into the dwelling home of another at night with the intent to commit a felony therein. Modernly door breaking, habitation, nighttime and any theft related offense will suffice.

Robbery is the taking of the personal property of another in their presence away of the personal property of another through force ~~or~~ threat or violence with the intent to permanently deprive. ~~with the intent to permanently deprive.~~

R S & T are guilty of conspiracy at common law the moment they agreed to ~~go through~~ do the bank robbery. At modern law the overt act of driving to the bank was enough.

~~Though Tina was told that it was approved by the bank as a~~  
Tina did not agree to the plan she agreed to help with ~~the~~ the banks

security test. This is evidence by  
when Paul told her the truth and  
she threw him out of the car.

The burglary ~~was~~ was completed  
when Spike broke open the side door  
and entered the bank. It was nighttime  
because that's when their plan was  
scheduled for. It was a dwelling home  
because Uva was living in the bank.

They entered with the intent to  
commit a larceny which is evidence  
by their conspiracy to steal the money.

Modernly they are guilty for the

same reasons.

~~Did the joint the conspiracy when~~

~~Spike started to move the money~~

The larceny was completed when Spike began moving the money or gathering it up because the ~~the~~ slightest movement with the intent to permanently deprive completes the larceny. All ~~the~~ co-conspirators are liable for the burglary and the larceny.

Raul will raise the defense that he abandoned the co-conspiratorial plan. Abandonment is the effective

communication to all parties involved

in the conspiracy that you will no longer take part in it. This serves as a cut off for subsequent crimes, that occur after effective communication has taken place.

~~Raul's culpability was cut off~~

~~Raul's~~ Raul's culpability was cut off once he communicated his intent to abandon the plan to Spike since Tina was never apart of the original conspiracy since she did not have an unlawful purpose. ~~Therefore~~ Therefore

Raul is only culpable for the burglary.

### Crimes of Uva and Spike

Did Uva and Spike create a conspiracy to commit a larceny of the bank's money?

Conspiracy supra.

They did not create a conspiracy because Spike was only one mind for an unlawful purpose. It would seem Uva cannot understand the nature and quality of his acts or the right or wrongness of them.

Under the M'Naughten Rule Uva

would be innocent and not culpable.

Therefore Spike would not be culpable for the conspiracy between them either.

~~Do Uva, RT~~ Crimes of Uva, Rail Tine  
~~Do~~ Are Uva, RT culpable for the homicide of Spike from the dynamite?

Homicide is ~~the~~ the killing of one human being by another human being. It can be lawful or unlawful.

Unlawful homicide is murder or manslaughter. Murder is the killing of one human being by another human being with malice aforethought. Malice can be express or implied.

Express malice murder is intent to kill. Implied malice murder is wanton willful disregard for the value of human life, intent to do great bodily injury or the Felony Murder Rule. Felony Murder Rule is while in the commission of a felony someone dies. Modernly the felony must be inherently dangerous.

When ~~the~~ Spike died as a result of the dynamite exploding Paul had with drawn from the

conspiracy, but he was still in the commission of the burglary because he had not reached a zone of safety. If a co-conspirator dies while carrying out the plan a co-conspirator cannot be held liable but since Spike die while Paul had abandoned the conspiracy but in the commission of the felony he would be guilty of implied malice murder.

Tina was never a part of the conspiracy nor in the commission of a felony, therefore she is not guilty.

Uva was insane for the reasons stated above and not guilty for that Reason.

Are they guilty of <sup>(R, T, U)</sup> Voluntary manslaughter?

Voluntary Manslaughter is the killing in the heat of passion or imperfect self defense. Heat of passion requires adequate provocation, no cooling off period & not acting out of reason as well as a causal connection between the act and the provocation.

Imperfect self defense is using excessive force where the law would

have allowed for minimal force.

The facts do not indicate spikes death was done in the heat of passion or imperfect self-defense.

Are R T U guilty of involuntary manslaughter?

Involuntary Manslaughter is criminal negligence or misdemeanor manslaughter rule. Criminal negligence is during the commission of a lawful act done w/o due caution or circumspection someone dies. Misdemeanor Manslaughter Rule is while during the commission of an unlawful act not amounting

to a felony someone dies.

Raul could be found guilty of misdemeanor manslaughter because the underlying felony for his burglary was larceny. At modern law larceny is not inherently dangerous, though it is a felony it would only amount to involuntary manslaughter.

Tina and Uva are not guilty for the reason above.

### Crimes of Raul

Did Raul commit a burglary with the underlying felony being

larceny of the car

Burglary supra

Larceny supra.

Real stumbled into the chicken coop this implies he entered it is unclear about the breaking element. A chicken coop is not a dwelling home but if it is within the curtilage of the dwelling home of another it can be subject to burglary. It is still nighttime. It would seem he had the intent to commit the larceny before entering because the facts state he went

directly for the eggs. The coop would  
also seem tall enough for him to stand in.

IF it is within the cartilage & he  
had the intent before entering  
he is guilty.

He committed the larceny when  
he removed the eggs w/ the  
intent to eat them for breakfast  
b/c it would be impossible  
to ~~get~~ get them back.

He could raise intoxication  
as a defense to both burglary  
& larceny because they are specific

intent crimes. Voluntary intoxication  
can only be a defense to specific

intent crimes if the person is  
too drunk to form the intent.

It would seem Raed could because  
he decided he was going to  
eat them for breakfast.

No Defense

TIME