

Criminal Law

Midterm Essay Exam Requirements:

1. Follow the submission and format instructions in Chapter 5 of this syllabus.
2. Midterm essay exam answers must not exceed eight pages. The typical length for a good answer is 3½ to 6 pages. It is unlikely a paper of less than 3 pages will have sufficient coverage of the issues or sufficient argument to receive a good grade. On the other hand, it is equally unlikely that a paper of more than about 6 pages will be concise and focused enough on the proper issues to receive a good grade.
3. Use IRAC format, and write the essay in a narrative fashion.
4. Include a copy of the midterm essay exam question with your answer when it is submitted for grading.

Criminal Law Midterm Essay Examination Question

Ed and Frank had been planning to steal Victor's new sports car for weeks. Ed had been watching Victor's house and knew that Victor always parked the car in the detached garage, then entered his house through the back door and hung the keys on a hook near the door. Ed also knew that Victor typically went upstairs each night at around 10:00, because all the lights went out at that time.

Frank was a "locksmith" who was confident he could open any locked door within two minutes. Frank had been released from prison just a couple of months ago, having served a two-year sentence for burglary and armed robbery. Ed knew of Frank's prior conviction and had insisted they would not need any guns just to steal a car. Frank had agreed, saying he had learned his lesson about bringing guns on a crime.

Last Wednesday night, about an hour after the lights had all been turned off at Victor's house, Ed and Frank sneaked up to the back door. While Frank shone a small flashlight at the lock, Ed grabbed the door knob to hold it steady. However, the door was not locked, so the knob easily turned and the door opened. Ed stepped inside and reached toward the hook where the car keys were hung. Just then, the kitchen light snapped on. There stood Wanda, Victor's wife, who had come downstairs to the kitchen for a snack.

Wanda opened her mouth to scream, but closed it without a sound when she saw Frank pointing a gun at her. Frank whispered at Wanda to come outside without making a sound. Wanda was terrified, and stepped outside as she had been told. Ed shook his head at Frank when he saw the gun, but grabbed the keys from the hook, and followed Wanda outside.

Frank took the keys from Ed, opened the car trunk, and ordered Wanda inside. Then he tossed the keys back to Ed, the two of them got in the car, and Ed drove away.

Meanwhile, Victor awakened, noticed Wanda missing, went into the kitchen to look for her, and noticed the door open and his keys gone. He ran outside, saw his car missing, and called the police. Police officers Oscar and Paul were on patrol together nearby, and saw a car matching Victor's description speed by. Oscar, who was driving the police car, turned on the lights and siren, and pursued Victor's car. Frank leaned out of the window, fired a couple of shots at the police car, and yelled at Ed to keep driving. Officer Paul shot back at the car, aiming toward the tire. Paul's shot missed the tire and instead went through the trunk, killing Wanda.

Ed lost control of Victor's car and crashed into a tree. The crash killed Frank instantly. Ed was apprehended. For what crimes should Ed be charged?