

CRIMINAL LAW (FALL 2015) EXERCISE 1 (10 Points)

Due Next Class Period- NO Exceptions. Must be Typed, Double Spaced, and no more than 4 pages. INCLUDE A "YES" OR "NO" ANSWER AT THE BEGINNING OF YOUR RESPONSE TO EACH QUESTION.

1. Denise slips while walking on the sidewalk. She instinctively reaches out to grasp some support. Instead her finger pokes out the eye of Vernon, who was also walking on the sidewalk. Has Denise committed an "act" upon which a criminal battery charge can be based? Yes or No – Explain Why or Why Not

2. Karen is a sleepwalker. One night, while sleepwalking, she pushed over and destroys a valuable vase belonging to a neighbor. Has Karen committed an "act" upon which a prosecution for malicious mischief can be based? Yes or No – Explain Why or Why Not

3. John is walking down a street when he hears a person scream. He turns around and sees a woman being dragged into a dark alley by a man with a knife in his hand. John decides to do nothing and walks away.

A. Has John "acted" so as to be guilty of a crime against the woman? Yes or No – Explain Why or Why Not

B. Assume John recognized the woman as a neighbor whom he despised. He was glad to witness her peril and intentionally decided not to intervene. If the woman is killed, can John be convicted of any form of criminal homicide? Yes or No – Explain Why or Why Not

C. Assume instead that John recognized the woman as his wife but still chose not to intervene. Has John "acted" so as to be guilty of a crime against his wife? Yes or No – Explain Why or Why Not

4. Dan is employed as a lifeguard on a public beach. During a period when he is supposed to be working, he leaves his guard station to visit a friend. While Dan is gone a bather drowns. If the bather was a stranger to Dan, can Dan be convicted of some form of criminal homicide? Yes or No – Explain Why or Why Not

5. Phillip is speeding down the highway at night when his car strikes and injures Monroe. Because of the darkness, Phillip is unaware of the accident and does not stop. Has Phillip "acted" so as to be guilty of violating a hit-and-run statute? Yes or No – Explain Why or Why Not

6. Jack is charged with selling alcoholic beverages in a "dry" county. At trial, he testifies that he did not know that the beverages in question were alcoholic. Must the jury be instructed that Jack should be acquitted unless the proof shows he was aware that the beverages were alcoholic? Yes or No – Explain Why or Why Not

7. Donna threw a rock intending to break a window of Vikki's house. However, Donna's aim was off and the rock struck and broke a window of Floyd's house. Can Donna be convicted of malicious mischief based upon accidental damage to Floyd's home? Yes or No - Explain Why or Why Not

8. Don intends to kill Vance and buys a rifle for this purpose. While Don is engaged in target practice in his backyard, Vance unexpectedly walks by and is killed by a bullet that ricochets from the target. Is Don guilty of murder? Yes or No - Explain Why or Why Not