

## **Final Examination**

### **Criminal Law**

### **Professor Chang**

### **Summer 2005**

1. You have **two hours and 30 minutes** to complete all questions. You may allocate your time as you wish.
2. This exam is **CLOSED** book. No materials of any kind may be used to answer the questions.
3. This exam includes: One (1) Essay Question worth 50 points and, 25 Multiple Choice Questions, worth 2 points each for a total of 50 points for the multiple choice questions. Use the parscore answer sheet for the multiple choice questions. The entire exam is worth a total of 100 points.
4. Write your exam number on your exam envelope. Put your exam number on top of this page, each page of questions and on each blue book. **DO NOT** use your name, student I.D. number or social security number on any exam materials. Please return all exam materials or your exam will not be graded.
5. Your essay answer should demonstrate your knowledge and understanding of criminal law as applied to the statutes and facts presented. No credit is given for conclusions without analysis.

**GOOD LUCK!!!!**

**CRIMINAL LAW FINAL EXAM Summer 2005 One Hour (Suggested)**

### **Columbia Penal Code Statutes**

**Section 101 Luring:** Luring a minor into a motor vehicle without the consent of the minor's parent or guardian, unless the circumstances reasonably indicate that the minor is in need of immediate assistance, is a misdemeanor.

**Section 102 - Stalking:** Stalking is the willful, malicious, and repeated following and harassing of another person that would cause a reasonable person fear. Stalking is a felony.

**Section 501- Murder:** Murder is the unlawful killing of another human being.

- (a) Murder perpetrated by means of poison, lying in wait, or any other deliberate and premeditated killing is first degree murder.
- (b) Murder committed in the perpetration, or attempt to perpetrate, arson, burglary, rape, child abuse, robbery, kidnapping, and any other inherently dangerous felony is first degree murder.
- (c) All other murder is second degree murder.

**CRIMINAL LAW FINAL EXAM Summer 2005 One Hour (Suggested)**

All events take place in the state of Columbia.

Dustin became obsessed with a high school student named Flora. For several weeks, Dustin watched Flora and researched information on her personal background. Dustin knew Flora's name, age, the names of her parents, her home address, and the names of her friends. Dustin followed Flora on at least two prior occasions, to the shopping mall and the grocery store. After school one afternoon, Dustin offered Flora a ride home. Dustin grabbed Flora's arm, but she twisted out of his grasp and ran off. Flora reported the incident to the Columbia police.

Dustin believed that Flora was the reincarnation of the devil and that only he, Dustin, was aware of her true identity. Dustin believed that he had to kill Flora to save the world from destruction.

Dustin planned to kill Flora and asked his friend Boyd for help. Boyd agreed to help but only because Dustin threatened to kill Boyd's mother if Boyd refused. Dustin and Boyd each drank a quart of whiskey and then climbed through an open window of Flora's house. Threatening Flora with a knife, Dustin forced Flora into the bathroom and unzipped his pants, intending to have sexual intercourse with her. Dustin stopped when he heard police sirens. A neighbor, Nancy had seen the two men enter the house and had called the police.

When Boyd heard the police sirens, he exited the house, intending to surrender. Upon seeing that Boyd was armed with a weapon, the police shot at Boyd. Confused, Boyd returned the gunfire. One of Boyd's gunshots wounded the neighbor, Nancy who had been talking with the police. Nancy was paralyzed from the gunshot wound and became severely depressed from her injury. Two months later, Nancy committed suicide.

Dustin and Boyd are both arrested.

Discuss Dustin and Boyd's possible criminal liability under the statutes provided and any other applicable law. What defenses, if any, can Dustin and Boyd raise?

END OF THE ESSAY PORTION OF THE EXAM