

## **CRIMINAL LAW FINAL EXAM – Fall 2009 – Essay Question**

Dale and Freida shared a passion for furry fandom and “fursuits”. They met at a “ConFURence” while each was in costume in their alter ego furry animal self. Dale’s fursuit was a chipmunk. Freida was a mouse.

Hito and Isak always wanted to attend a ConFURence and dress as wolves. In his excitement, Hito forgot to take his anti-seizure medication for epilepsy.

Yusef hated all Furrries ever since his last boyfriend Bob became obsessed with furry fandom.

Once inside the ConFURence, Yusef spiked Bob’s drink with Rohypnol (date-rape drug). Unfortunately, Frieda drank Bob’s drink by mistake. Frieda became disoriented and appeared very intoxicated. Hito asked Frieda to have sexual intercourse with he and Isak. The three left the main meeting room and found an empty ballroom in the hotel. Isak began to have intercourse with Frieda with his artificial wolf parts when Dale burst in and began shouting profanities. The excitement triggered an epileptic seizure for Hito whose kicking and flailing arms struck Dale. Dale then fatally stabbed Hito. Dale and Freida quickly left since Freida was 16 years old and needed to be home before midnight.

Meanwhile, Yusef left the ConFURence with Bob and drove home on the freeway. As Yusef drove, Bob began texting his boyfriend to alert him that he was with Yusef. As Yusef grabbed Bob’s phone to cancel the text, Yusef failed to see a stopped car in the middle of the freeway and collided with the car, killing the driver Vic. Vic was driving home from a party where he had smoked a marijuana cigarette. Unknown to Vic, the marijuana cigarette was laced with crack cocaine a hallucinogenic drug. While driving Vic had a psychotic episode and then became unconscious at the wheel.

The following statute was recently enacted in this state: “A person may not use a text messaging device to write or send a text message while operating a motor vehicle in motion or in the travel portion of the roadway.” A violation of this statute is a felony.

Police arrest Dale and Yusef.

What crimes should be charged?

What defenses should they raise?

**END OF ESSAY QUESTION**