

EXAM # _____

Final Examination

Criminal Law

Professor Chang

Fall 2007

1. The total time for this exam is 3 hours.
2. This is CLOSED BOOK exam. No materials of any kind are permitted.
3. This exam consists of two parts totaling 100 points. You may allocate your time between the essay question and the multiple choice questions as you wish.

The suggested time for the essay question is at least 1 and 1/2 hours.

Part I consists of twenty-five (25) multiple choice questions worth 50 points. Each multiple choice question is worth 2 points. Please mark your responses to the multiple choice questions on the separate "ParSCORE TEST FORM" using pen or pencil and following the instructions on that form. If you change your answer, place a clear **X** through the wrong answer and mark the correct answer. A machine will score the exam and any ambiguities will be counted as a wrong answer.

Part II consists of one (1) essay question worth 50 Points (with an attached statute). Essay Answers should demonstrate your understanding of the law as applied to the facts. Conclusions without analysis will not receive credit. Please write your response in the blue books provided. Please write clearly. Write on every other line and every other page to permit instructor comments.

4. Write your exam number on your exam envelope. Put your correct class section and student exam # at the top of this page, each page of questions, each blue book, and the "ParSCORE TEST FORM". DO not use your name, student ID number or Social Security Number on any exam materials.
5. At the conclusion of the exam, return all test materials, including blue books, ParScore answer sheet, scratch paper, and this exam packet to the envelope and submit it to the proctor. **Do NOT** seal the envelope.

GOOD LUCK!!!

Part II: Essay Question (50 points)

Dorsey, a neurologist, was developing fetal tissue transplantation treatment for comatose patients but his research was sharply curtailed with recent federal restrictions. Believing in the necessity of his research to save lives, Dorsey and his assistant Amber, devised a plan to impregnate comatose patients, terminate their pregnancies, and use the fetal tissue for their research. Dorsey began having sexual intercourse with several female comatose patients. The first was Fiona, who was in a permanent vegetative state. When Fiona was twelve weeks pregnant, Dorsey aborted the fetus and used the fetal tissue in his research. The second was Gina who developed serious complications caused by the pregnancy and then died. When Dorsey had sexual intercourse with the third patient, Harriet, she had already died several minutes before the act was consummated.

Dorsey's supervisor, Stella was surprised at the sudden appearance of "volunteered" fetal tissue for research but decided not to "look a gift horse in the mouth".

Stella did not make any inquiries as to Dorsey's fetal tissue sources, especially since Dorsey's research was attracting favorable media attention and funding for the medical school.

After having sexual intercourse with her boyfriend Bob, Amber saved Bob's sperm and used it to impregnate Iris, another comatose patient. Iris' mother, Mira discovered her daughter's pregnancy and insisted on an investigation. Iris' conjoined twins, Trina and Thomas were eventually delivered by cesarean section.

Both twins would die without separation surgery but surgery would almost certainly result in the death of twin Thomas. A team of physicians proceeded with the separation surgery and Thomas died minutes later. Mira was judicially granted legal custody of Trina.

Filled with remorse, Amber told Bob that he was the biological father of Trina. After consuming several shots of whiskey, Bob drove to Mira's home and demanded that he see Trina. Mira refused and a shouting match ensued. In a rage, Bob drove his car through the front door of Mira's home. Mira fainted from the excitement. Not seeing Mira lying on the floor, Bob drove over Mira and killed her. Bob then grabbed baby Trina, diapers, food, and clothes, and left the house.

When the police apprehended Bob, all parties came under investigation.

Who should be charged with criminal liability?

What crimes should be charged?

What defenses, if any, can be raised?

STATUTE:

Criminal Code Section 1005: Kidnapping.

(a) A person is guilty of kidnapping if he unlawfully removes another a substantial distance under the circumstances from the place where he is found, or if he unlawfully confines another for a substantial period in a place of isolation, with any of the following intentions:

1. To hold for ransom or reward, or as a shield or hostage.
2. To facilitate commission of any felony or flight thereafter.
3. To inflict bodily injury on or to terrorize the victim or another.
4. To interfere with the performance by public officials of any governmental or political function.

(b) Kidnapping is a felony. A removal or confinement is unlawful within the meaning of this section if it is accomplished by force, threat or deception, or, in the case of a person who is under the age of 14 years or an incapacitated person, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

END OF EXAM ☺