

Part II Essay Question – 50 Points

Drew and Eva aspired to become famous actors so they decided to get discovered online via YouTube. Every week, Drew and Eva staged a mock crime that appeared as a real crime heist. The “crimes” were staged with friends pretending to be victims of robberies or assaults committed by Drew and Eva as masked super villains who allegedly donated a portion of their loot to save the earth from greenhouse gases. Each week, their fan base grew as more and more people logged in to watch their next caper. Drew began to believe that he was, in fact, a criminal master mind and decided to commit a real kidnapping of a former girlfriend Giselle. Drew falsely told Eva that Giselle had agreed to the kidnapping for YouTube. When Drew and Eva arrived at Giselle’s house, they discovered the back door ajar and went inside.

Last week, Giselle created an avatar (cartoon caricature) of herself online at a website that allowed avatars to interact in a virtual world. While online, Giselle “met” Bob, another avatar. Bob’s avatar forced Giselle’s avatar to have virtual sexual intercourse. Bob and Giselle then agreed to meet in person and have actual intercourse. Unknown to Giselle, Bob’s twin brother Tim arrived instead. When Drew and Eva entered Giselle’s house, they discovered Giselle bound and gagged in the midst of a sex bondage game with Tim. Enraged at the scene, Drew shouted obscenities at Tim who pulled out a knife. Believing her gun was only loaded with blanks, Eva shot at Tim and was surprised when he fell bleeding. When Eva then screamed at Drew to explain the situation, Tim grabbed Eva’s gun and fired shots at Drew. Tim’s gunshots missed Drew but struck Giselle. When Giselle was shot, she was suffering from a severe asthma attack and was suffocating because of the gag in her mouth. Giselle died 10 minutes later.

Bob had not gone to Giselle’s house because he was obsessed with his avatar on the internet. While online Bob found Cora, an avatar who appeared to be about 12 years old with whom he engaged in virtual oral sex online. Bob asked Cora for her home address so they could have “real sex.” When Bob arrived at Cora’s house, Bob saw Cora’s mother in the front yard. In his haste to leave without being seen by Cora’s mother, Bob drove his car into an electrical pole and its wires fell to the ground. One of the sparks from the electrical wires started a fire on the highway. Vera was driving on the highway and swerved to avoid the fire but crashed into Bob’s car and was instantly killed.

The police have arrested Drew, Eva, Bob, and Tim.

In addition to the statutes on the next page, what crimes could be charged and what defenses could be raised?

STATUTES FOR ESSAY QUESTION

Section 101: Sexual Exploitation of a Minor

- (a) It shall be unlawful to cause a minor to engage in a prohibited sexual act or in the simulation of a prohibited sexual act.
- (b) A violation of this section constitutes a felony.
- (c) As used in this statute, a “minor” is any person under the age of 14 years.

Section 102: Sexual Assault against a Minor

- (a) A person who subjects a minor to sexual penetration, or who forces a minor to make a sexual penetration on himself or another, is guilty of sexual assault.
- (b) A violation of this section constitutes a felony.
- (c) As used in this statute, a “minor” is any person under the age of 14 years.

Section 500: Kidnapping

- (a) A person commits the offense of kidnapping when (s)he abducts or steals away any person without lawful authority or warrant and holds such person against his or her will.
- (b) A violation of this section constitutes a felony.

END OF EXAM ☺