

**CRIMINAL LAW
FINAL EXAM
SPRING 2007
Professor Chang**

INSTRUCTIONS

1. This exam is CLOSED BOOK. No outside materials of any kind are allowed.
2. This exam has 2 parts: (i) 25 multiple choice questions; and, (ii) 1 essay question. Each part is worth 50 points, for a total of 100 points.
3. You have 3 hours to complete this exam. You may allocate your time as you wish.
4. Please use the ParScore form to answer the multiple choice questions.
5. Write your exam number on all ParScore forms, bluebooks and/or Examsoft papers.
6. Your answer to the essay question should demonstrate your knowledge and understanding of the law to the facts. Answers without analysis will not receive credit.
7. Return all materials at the end of the exam. Failure to do so will result in the student receiving no credit for the course.

GOOD LUCK!!!

Criminal Law – Final Exam – Essay Question – 50 Points – Spring 2007

Abby and Barrett met while attending medical school. After graduation, they moved in together. While Abby was on a long rotation at the hospital, Barrett went to the local bar where he met Callie. Barrett drugged Callie's drink with rohypnol ("ruphie") which he had taken from the hospital during his last rotation. Barrett took Callie home and then had intercourse with her while she was unconscious. Abby returned home early to find Barrett in bed with Callie. In an attempt to placate Abby, Barrett suggested that they perform a minor surgery on Callie, remove one of her kidneys, and sell it. Abby said nothing. She watched Barrett perform the surgery and then, she drove Callie home. Callie had no memory of these events. Upon discovery of her missing kidney, Callie suffered from depression and committed suicide one year later.

Abby and Barrett used the proceeds from Callie's kidney to pay for their medical school loans. They decided to try for a liver. Abby went to the local bar and waited patiently for a victim. After striking up a conversation with Drake, Abby drugged his drink with the rohypnol. When Earl, the bartender grew suspicious, Barrett offered Earl \$10,000. Earl accepted the cash.

Later that evening, Abby and Barrett surgically removed Drake's liver. Drake's surgical incision became infected and required medical attention. When informed that his liver had been removed, Drake plotted revenge. Armed with a high powered rifle, Drake waited on the rooftop across from Abby's building and watched for Abby. Drake began to hallucinate from his medication for the infection and decided to go home. While driving home, Drake crashed his car into a fuel tanker truck, instantly killing Frank, the driver.

In need of a vacation, Abby and Barrett decided to try for another liver to fund a trip to Costa Rica. After drugging Georgia, Abby and Barrett removed her liver. Georgia died during the surgery. After disposing of Georgia's body, Abby and Barrett left for Costa Rica. While in the rainforest, a botfly implanted its larvae in Barrett's head. When Barrett sought medical treatment for the growing maggot, he and Abby were apprehended and extradited back to the United States. Barrett developed an infection from the maggot which caused Barrett to become psychotic.

- (1) Discuss the criminal liability of Abby, Barrett, Drake, and Earl, and any potential defenses.
- (2) At sentencing, the judge proposed that Abby, Barrett, and Earl each "donate" a kidney and liver as punishment for their crimes. Discuss the constitutional implications of this punishment.

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