

Final Examination

Criminal Law

Helen Chang

SPRING 2008

1. You have three and a half (3.5) hours for this examination.
2. This is a **closed** book examination.
3. This examination contains two parts: Please allocate your time as you wish between the multiple-choice and essay question.

Part I consists of twenty-five (25) multiple-choice questions worth a total of 50 points. Each question is worth 2 points. Correct multiple choice answers are to be marked 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 with two attached statutes. The essay is worth 50 points. Answers should demonstrate an analysis of the facts according to the law. Answers 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 student exam number on your exam envelope. Put your student exam number 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, all examination papers—including the Part I ParSCORE test form, your answer for Part II, the examination questions, these instructions, and all notes—must be placed back in the exam envelope. Failure to return all materials will result, among other sanctions, in a failing grade of “F” for the course. **Do not** seal the envelope.

GOOD LUCK!

NOTE:

Hemophilia is a rare blood disorder preventing or reducing the body's ability to form blood clots. Hemophiliacs suffer prolonged bleeding after injury, sometimes resulting in death.

Part II: Essay Question (50 points)

Uniqua was already in the late stage of cervical cancer when she first saw Dr. Kildare. Dr. Kildare recommended aggressive chemotherapy and radiation treatment but Uniqua refused not to undergo treatment, preferring to live her last months in peace. Much to Dr. Kildare's surprise, Uniqua's immune system responded to the cancer cells by producing an extraordinary new antigen.

Over the ensuing months, Uniqua's cancer went into remission. Dr. Kildare repeatedly asked Uniqua to undergo invasive testing to remove skin, tissue, and blood samples to "advance medical science and save lives" but Uniqua refused. Dr. Kildare told Dr. Lo, that Uniqua had consented to "donating herself for other cancer patients" and asked Dr. Lo to prepare a secret medical research facility to house Uniqua in a stasis state. Although suspicious, Dr. Lo preferred ignorance since he believed that Uniqua's tissue and blood cells could be developed into a lucrative anti-cancer drug.

At Uniqua's next visit, Dr. Kildare gave Uniqua an anesthetic and when she lost consciousness, transported her to Dr. Lo's detached garage. For several weeks, the two doctors experimented on Uniqua and removed blood, skin, and tissue to study and isolate the new antigen.

Buzz took especial notice of the expensive medical equipment brought into Dr. Lo's garage and decided to "have a look around". Buzz asked his friend Cal to help him with a "job". Cal agreed but only because he was a heroin addict and needed money. Buzz and Cal entered the garage through an open window. They were surprised to see Uniqua strapped to a bed. While Cal quickly stuffed his pockets with Uniqua's tissue samples, Buzz took a closer look at Uniqua. Misunderstanding the situation as a sex bondage game, Buzz began to have sexual intercourse with Uniqua. Uniqua aspirated on her own vomit and died.

Hearing the noises from the garage, Dr. Lo's neighbor Ned, went to investigate. When Cal saw Ned, he stabbed Ned with various surgical knives. Profusely bleeding, Ned stumbled and ran out into the street. Several minutes later, a small biplane flown by Paula made an emergency landing in the street where Ned had collapsed. Paula was not rated (approved) to fly solo but after several alcoholic cocktails, had decided to fly anyway. Ned who was a severe hemophiliac, died in the burning plane crash.

When the police take Dr. Kildare, Dr. Lo, Buzz, Cal, and Paula into custody for questioning, Cal is suffering from heroin withdrawal.

What crimes should be charged? What defenses should be raised?

END OF EXAM