

# FINAL EXAMINATION

## CRIMINAL LAW

### PROFESSOR COHEN

SPRING 2006

#### INSTRUCTIONS:

1. You have **two hours and fifteen minutes (2 .25)** to complete this examination; **HOWEVER**, you must spend the first 1 .5 hours on the essay portion of the exam; put it aside and not return to it after 10:15 a.m.
2. This is a **closed** book exam. No outside materials of any kind are allowed, nor may you consult or collaborate with other students.
3. The exam consists of two parts and counts for 75% of your course grade:
  - a. **PART ONE** is the essay, which is worth 50% of your grade. Please write your answer in your blue books, using every other page, and every other line. Write clearly and legibly. **Illegible essays will not be read.**
  - b. **PART TWO** consists of 25 multiple-choice questions and is worth 25%. Please mark your responses to the multiple-choice questions on the separate ParSCORE test form using pen or pencil and follow the instructions on that form. If you change your answer, place a clear **X** through the wrong answer and mark the correct one. A machine will score the exam and any ambiguities will be counted as a wrong answer.
4. Write your exam number on your exam envelope, at the top of this page, each page of questions, the ParSCORE test form, and each used blue book. **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 the ParSCORE test form, scratch paper, and this exam packet to the envelope and submit it to the proctor. **DO NOT** seal the envelope. Students who do not return all exam materials at the end of the exam may not be graded.

**Good luck!**

## **Part One**

**Time: 1 .5 hours**

Donna had a business partnership with Vic, who also was Donna's lover. At some point, Donna began to believe Vic was cheating in the business by giving some of the business secrets to Walter. Donna discussed the problem with Al, one of Donna's friends. Al suggested, after having been told of the situation by Donna, that Donna threaten Vic, but not harm him, and, to help, Al went to a local gun store, and, when no one was looking, took a gun for Donna and gave it to her and told Donna she could use it to threaten Vic, but not to harm him. Donna took the gun, and then watched Vic and Walter constantly. The problem preyed on Donna's mind, and caused her to drink heavily. On a Thursday night, Vic went with Walter to Walter's office and Donna, armed with her gun, followed and listened outside the doors. Donna had a flask of alcohol with her, and proceeded to consume a good deal of alcohol while waiting. Eventually, hearing furtive voices therein, Donna opened the unlocked door and found both inside examining and comparing the pricing sheets for Donna's business and Walter's business. Donna became incensed and started yelling about fairness and justice and waving the gun around. Vic, an expert marksman who himself was armed, pulled his gun, and shot at Donna, but missed and killed Sam, Walter's innocent secretary. At that time Donna shot at Vic, but missed and killed Walter.

Discuss:

- A. Donna's criminal liability and defenses
- B. Al's criminal liability and defenses

**END OF PART ONE**