

**FINAL EXAMINATION
CRIMINAL LAW
PROFESSOR COHEN
SPRING 2007**

INSTRUCTIONS:

1. You have **two hours and fifteen minutes (2 ¼)** to complete this examination;
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. Writers please write your answer in your blue books, using every other page. 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. You have up to the first 1 ¼ hours for the essay portion of the exam; Once you have finished the essay, you must put the essay, your question and your notes inside the exam packet and not return to it.
5. 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.
6. 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: Essay Question

Time: 1 hour & 15 minutes

Dehlia Daniels, a resident of the State of Joy, had a financial problem regarding her indebtedness to her employer for money she had had advanced and could not pay back. As a result, she talked to her boy friend, Tommy Too, about ways to get the money in order to pay the employer. They decided, together, to go to the apartment of one of Dehlia's neighbors, Vic Vengeance, who Dehlia and Tommy thought was quite wealthy. In particular, they knew Vic had a very valuable dog, a champion English Bulldog named Belligerent, that they thought they could rapidly sell and obtain enough money to pay Dehlia's employer, and Vic would be unlikely to discover that Dehlia and Tommy had taken Belligerent, rather than that the dog had wandered off somehow. They knew Vic was employed as a jazz musician at a local nightclub and worked six nights a week. They made plans to go to his apartment on a Saturday night, and take Belligerent, and, on Sunday morning, be able to take Belligerent to a man they knew who would buy him, no questions asked.

Unbeknownst to them, Vic was actually at home that Saturday night since his trio had been laid off the night before. Indeed, Vic, who actually suffered from fits of depression, was in a terribly depressed state of mind because he had just lost his job. When Dehlia and Tommy came to the apartment, they found the front door, which entered into the front room, was unlocked, which was Vic's common habit. Vic was in the bedroom watching TV, and Belligerent was in the front room on the couch sleeping. At the time that Dehlia and Tommy came in, through the front door, Belligerent started barking, and Tommy rushed over to him to pet him and quiet him down. At that point Vic went to the bedroom door which was adjacent to the front room to see why Belligerent was barking.

When Vic saw what was happening, recognized Dehlia and Tommy, thought they were taking Belligerent, and that he might lose his favorite pet, he quietly went to his phone on the nightstand and called 911 and told them what was happening and, at the same time, got his gun from a drawer, and, standing in the doorway to the front room, yelled out, "you people drop, drop right now" Dehlia did, but Tommy started for the entry door, leaving Belligerent behind, at which point Vic shot at him, immediately killing him. At that point, Dehlia started screaming, and ran out of the apartment. The police arrived almost immediately, and spoke to Vic promptly. They then took off after Dehlia who was running away, yelled at her to stop, and when she didn't, wrestled her to the ground and arrested her.

Before bringing charges, the police checked with the local District Attorney, as to what charges might be brought, against whom, and what defenses, if any, might be successful. You work for the local District Attorney, and, before deciding what charges to bring, she has come to you for a memo as to what charges might be brought, against whom, and what defenses, if any, might be successful. In the interests of time, she wants your memo to be to the point, well organized and succinct.