

FINAL EXAMINATION

CRIMINAL LAW

Professor Moskovitz

Spring, 2006

1. You have two (2) hours to complete this exam.

2. This is a closed book exam.

3. This exam consists of two parts.

Part I consists of 28 objective questions, both true/false and multiple choice. Please mark your responses to the questions 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. 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 exam number on your exam envelope. Put your correct class section and student exam # 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, return all test materials, including blue books, ParScore answer sheet, 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!

Essay Question

To: My law clerk

From: Deputy District Attorney Roger Righteous

The police recently arrested Ken Klutz (K) and Dan Dork (D). The police interrogated Ken, and he gave the statement below. We've worked out a plea bargain with Ken, which includes his agreement to testify against Dan. Assume that Ken's testimony at Dan's trial will be the same as his statement. Here is Ken's statement:

I needed some money, and I knew that Bob (B) had a lot of money. So I planned to go over to Bob's house, find Bob, and rob him. I didn't have a gun, so I said to Dan, Lend me your gun. I need some money, and Bob has money. Dan handed his gun to me. I went to Bob's house and knocked on the door. Bob's brother, Vic (V), answered. I asked for Bob, and Vic said, Bob died last night. What do you want? I said, Just my luck. The son-of-a-bitch died. I turned and started to walk away, but Bob got upset and grabbed me by the arm. He said, What did you call my brother? I pushed his arm away. He said, I'll get you for this. He pulled a knife from his pocket. I pulled out the gun and shot him in the chest.

The bullet killed Vic. Based on Ken's statement, what crimes [discussed in the Moskowitz casebook] can I charge against Dan, and what is the likelihood that he will be convicted.