

CRIMINAL LAW
Professor Alexander

Required Reading:

Dressler, Chs. 16-19.
Model Penal Code, §§ 3.01, 3.02, 3.04, 3.05, 3.09 and 3.11

Problem Set 10

1. (Two pages) Alice, Barbara, and Candy are three homicidal lunatics. They are neither legally nor morally responsible for what they do.

They proceed to round up some children in the woods outside a town, give the children some nitroglycerine bottles, and instruct them to go into town and throw the bottles at passers-by. They also strap some captured infants to the children “to protect [the children] from retaliation.”

Discuss the rights of residents in the town to employ deadly force: (a) against Alice, Barbara, and Candy as they are about to give the bombs to the children; (b) against the bomb-wielding children who don’t have infants strapped to them; (c) against the bomb-wielding children who *do* have infants strapped to them; and (d) against any of the above when innocent bystanders are at risk from the use of defensive deadly force. Assume that the number of people put at risk by the townspeople’s use of defensive deadly force is always greater than the number of townspeople at risk of being killed or injured by the bombs. (Assume, for example, that only one townspeople is at risk from the bombs.)

2. (One-half page) If D believes V is attacking D and about to cause D’s death or serious injury, and D uses deadly force against V, what, if anything, is D criminally liable for if D was mistaken in her beliefs?

3. (One-half page) Suppose D is, unknown to D, about to be attacked with deadly force by V, and D intentionally kills V because D hates V. Should D be entitled to claim the justification of self-defense?

4. (One page) Suppose Dan and Allan each reasonably, but incorrectly, believes that the other is attacking him. (Neither is in fact attacking the other.) Because of their mistaken but reasonable beliefs about their danger, each decides to use force in “self-defense” against the other. Have they used justifiable force?