

CRIMINAL LAW
Professor Alexander

Required Readings:

No new reading.

Problem Set 11

1. Defendant has been warned by a radio bulletin that a knife wielding lunatic has escaped from the nearby asylum and is at large in town. It is predicted that it will take authorities a few hours to capture the lunatic. Defendant has an urge for a Mars bar and decides to leave home and walk to the 7-11. Because of the bulletin, he takes his .45 with him. Sure enough, he encounters the lunatic, who comes at him with the knife. If defendant shoots the lunatic and kills him, will he be able to invoke self-defense? What if defendant's taunting is what turned the lunatic into a lunatic? (One page)

2. James Bond is being pursued by Jaws, who is clearly trying to kill him. Bond is at the top of a high hill. The hill is covered with thick, impenetrable jungle. There is a road that serpentine up the hill to the top. Bond sees Jaws on the road at the bottom of the hill, about an hour's time from the top. Jaws is at the only point where Bond will have a clear shot until Jaws is at the top. Under the doctrine of self-defense, may Bond shoot at Jaws now, or must he wait until Jaws is at the top of the hill, where Bond's chances of successful defense are lower? (One page)

3. James, an intellectual of slight stature, calls John, a pro linebacker, a big, dumb oaf. John retaliates by telling James that he will hold him and beat on him for an hour, though he will not cause his death or serious injury, but only pain. James has a gun. May he use it against John to avert this mild beating? (One-third page)

4. Suppose D is being attacked by V with deadly force. D can safely repel the attack by shooting V in the arm. Instead, D shoots V in the chest, killing V. Justifiable self-defense? (One-third page)

5. Suppose D is being attacked by V but is not in jeopardy of death or serious bodily injury from the attack. D can stop the attack by shooting V in the arm or by using his fists. V is much more likely to suffer serious injury from D's fists. May D shoot V in the arm? (One-third page)

6. Edna has been told that Gypsies who find women alone always rape and kill them. She believes this. One night, while walking alone, Edna sees two Gypsies approaching her. As they come close, she pulls her gun and shoots them. Does she have a legitimate claim of self-defense? Would she, if evidence were discovered that showed they in fact planned to rape and kill her? Could the Gypsies use self-defense? Third party intervenors? (One page)