

CRIMINAL LAW
Professor Alexander

Required Readings:

Dressler, Ch. 23; MPC § 2.09

Problem Set 14

Answer the following questions by reference to MPC, § 2.09:

1. D, in prison, is continually sodomized by other prisoners against his will. To avoid continuation of such treatment, which has severely mentally traumatized him, D tries to escape from prison. A prison guard tries to stop him, and D knocks the guard down, seriously injuring him. Once outside the prison, D remains at large until captured. He is charged with escaping from prison and assault on a peace officer and pleads duress. What result? What result if he pleads “lesser evils?” (Three-quarters page)
2. D has been found guilty of murder and is sentenced to die. D believes he is innocent. At the time of the execution he stabs and kills the executioner with a hand-carved knife and tries to escape. He is captured and tried for the murder of the executioner. He pleads duress. What result? (One-quarter page)
3. D, a high public official, has been photographed by B, a blackmailer, in an adulterous relation. B demands that D write checks on the public treasury to B’s company for bogus services or else B will publicly reveal D’s peccadilloes. D writes the checks, the deed is discovered, and D is prosecuted for misappropriating public funds. D pleads duress. What result? What if D were a drug addict, B his supplier, and B threatened to cut off D’s drugs? What if B were one with a legal duty to give D life-preserving drugs? (One-half page)
4. D is driving a car. B is a passenger holding a gun on D. D is on a narrow stretch of road, with a sheer drop on one side and a sheer cliff wall on the other. D sees two children playing in the road. He has time to stop, but B orders him to drive on or be shot. D complies and is later charged with murdering two children. He pleads duress. What result? What if it is not B’s threat, but a boulder coming down the side of the cliff wall that will crush D if he stops, that impels D to run over the children? Would it matter that a person dislodged the boulder? (One-half page)
5. D is ordered to rob a bank by X, a mobster living across the country. X tells D that if he refuses, every bone in his body will be broken within a year. D, knowing of the reputation of organized crime, fears for his safety and complies. He is tried for bank robbery and pleads duress. What result? (One-quarter page)
6. D, an adult, knows that a certain neighborhood has a reputation for being very violent and having lots of muggings. She proceeds to walk in the neighborhood anyhow.

She is approached by a youth, Y, about 10 years old. The youth says, "Lady, get me that watch," pointing to a watch in a store window. D, who has no money on her, fears that if she doesn't get the watch for Y, who she believes could well be a gang member and carrying a concealed weapon, that Y might attack her. D goes into the store, steals the watch, and gives it to Y. She is observed doing this and later charged with theft. Y is not a gang member and was unarmed when he asked for the watch. D pleads duress. What result? (One-half page)

7. D is independently wealthy and deathly afraid of being tickled with a feather. X threatens D with such tickling unless D robs a bank, which D does. D pleads duress. What result? (One-third page)
8. D is completely impervious to pain. X threatens to break every bone in D's body if D doesn't rob a bank. D robs, is caught, and pleads duress. What result? (One-quarter page)
9. D plans to rob a bank. X, who doesn't know this, threatens D with death unless D robs the bank. D robs, is caught, and pleads duress. What result? (One-third page)
10. D has been beaten again and again by her husband, H. H and D are now living apart. H calls D and tells D, in a threatening voice, that he needs money and wants D to steal some from the business where D works. D doesn't report the threat to the police because she feels that H will eventually "get her" no matter what. She steals the money and sends it to H. She is caught and pleads duress. What result? (One-third page)

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