

CRIMINAL LAW

Professor Alexander

Required Readings:

Dressler, Ch. 24
MPC § 2.08;

Problem Set 15

1. When Dr. Jekyll gets drunk, he turns out to be a real monster. When he's in his monster stage, he seems to be out of control and virtually unaware of what he's doing. One day, Jekyll gets drunk and kills someone. As prosecutor in a jurisdiction governed by the MPC, do you charge him with intentional homicide, knowing homicide, reckless homicide, or negligent homicide? Note: Getting drunk is not itself a crime in your jurisdiction. Could Dr. Jekyll have a complete defense to any crime? And what if there's evidence that Dr. Jekyll, unable himself to kill anyone, got drunk with the hope his monster self would kill? (Two pages)
2. D has always had "good trips" on LSD, though he's heard of people having bad trips. This time, however, he has a psychotic reaction and kills someone. He claims that at the time of the killing he met the legal test for insanity (didn't know his act was criminal and/or couldn't comply with the law). In a state governed by the MPC, should D be convicted of criminal homicide, and should it be negligent, reckless, knowing, or intentional? What if D had been told by another person that the pill was not LSD, or that LSD never caused "bad trips?" (One page)
3. D is unaware that he is allergic to spinach in such a way that, when he ingests it, it causes a psychotic reaction equivalent to legal insanity. If D eats spinach and then kills someone, is he guilty of homicide under the MPC? (One-half page)
4. D is given liquor by X, who tells D that it is ginger ale. D has a severe reaction to the liquor and becomes very violent, though not legally insane. D kills someone while in this condition. Does D have a defense under MPC § 2.08? (One-half page)