

CRIMINAL LAW
Professor Alexander

Required Readings:

Dressler, 377-86, 390-92; MPC § 5.01

Problem Set 18

1. Two men go out deer hunting on October 15, which is, in fact, the first day of the legal hunting season for deer. One believes that the correct date is October 14. The other knows the date, but believes that the hunting season begins on October 16. They are both charged with attempting to hunt out of season. What result under the common law? Under the MPC? (One page)
2. Mr. Taafe is caught smuggling marijuana into England, although he sincerely believed he was smuggling currency. Suppose the “smuggling” currency into England is not a crime. May he be charged under the MPC with “attempted currency smuggling”? (One-half page)
3. Lady Eldon thinks French lace is a dutiable item and attempts to smuggle it past British customs. She is caught, but is then told that French lace is not on the current list of dutiable items. The customs statute proscribes “failure to declare any dutiable item.” Has she committed the crime of “attempting to fail to declare a dutiable item”? (Three-quarters page)
4. Defendant (D) believes in voodoo. Desiring to Kill V, D sticks a pin into an effigy of V. He now believes V is dead. Has he committed “attempted murder” under the MPC? (One-quarter page)
5. (a) D has just put the final dose of poison in V’s wine glass, when he suddenly has a change of heart. He rises from his chair to grab the poisoned glass from V, but he hits his head on the chandelier and passes out. Fortunately, D’s accident so consumes V’s attention that V fails to drink the final dose of poison. Has D “abandoned” his attempt under the MPC? (b) Suppose V has drunk the final dose, but D knows he still has time to administer the antidote when he hits his head. What mens rea does D have in the resulting homicide? What if D fails to prevent V’s death because V resists D’s attempt to get the glass back? What if there is a crime of “placing poison in consumables with intent to kill,” and D puts sugar in V’s drink, thinking it is arsenic, discovers his mistake, and then has a change of heart? Attempt? Abandonment? (One and one-half pages)