

CRIMINAL LAW
Professor Alexander

Required Readings:

Dressler, Ch. 30 MPC §§ 2.06 and 5.01(3)

Problem Set 24

1. D, who wants V dead, tells I, who is insane, that V is a space alien who must be killed to save the world. I kills V, pleads insanity at trial, and is acquitted on that basis. Is D criminally liable for V's death, and, if so, as a principal or as an accomplice? Would the result differ if I initiated the attack on V without D's instigation, but D then took the opportunity to assist I? (One-half page)
2. Iago, who hates Othello, suggests to Othello that Desdemona has been unfaithful. Iago hopes that Othello will become so consumed by jealousy that he will kill Desdemona and thus ruin his own life. Othello does just that.

Othello is charged with murder. He claims provocation, which – as we shall see in a future class – will reduce murder to voluntary manslaughter if the jury finds it existed. If Othello is convicted of voluntary manslaughter on the theory that his killing was provoked, may Iago be convicted of being an accomplice to murder (not voluntary manslaughter)? Explain how. (One-half page)
3. P is shooting at V because, unbeknownst to D, V initiated and is continuing a deadly attack on P. D hates V, thinks P is trying to murder V (rather than defend himself), and helps P by loading her gun for her. If P kills V and successfully pleads self-defense, is D guilty of anything? (One-half page)
4. Analyze the *Cogan and Leak* case (Dressler, pp. 487–89) in terms of the MPC. (One-quarter page)
5. Analyze *State v. Hayes* (Dressler, pp. 489–90) in terms of the MPC. (One-quarter page).
6. Analyze the *Richards* case (Dressler, pp. 491–92) in terms of the MPC. (One-quarter page)
7. The legislature has made the sale, but not the purchase, of drugs a crime. D buys drugs from P. P is charged with selling drugs, and D is charged with complicity. What result? (One-quarter page)
8. P has engaged in acts of incest with her son, D, who is grown. P is charged with incest. D is charged as P's accomplice. What result? (One-quarter page)

9. D and P agree that P will commit armed robbery of a bank. P commits the robbery, and in the course of it kills V, a bank guard. P is charged with armed robbery and homicide. Is D chargeable as an accomplice in a state that follows the *Pinkerton* rule? The MPC? (One page)

10. D agrees to lend P D's car to commit a robbery of a bank that D has described to P. D later has a change of heart and so informs P. P goes ahead and robs the bank without D's car. Is D guilty as an accomplice under the MPC? (One-quarter page)

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