**CRIMINAL LAW**

Professor Alexander

**Required Readings**

Dressler, pp. 102-112

Model Penal Code § 2.01.

**Problem Set 3**

A, B, C, D, E, F, and G watch V drown in a swimming pool. A had negligently run wildly around the edge of the pool, bumped into B, who fell into V, knocking him into the pool. C was V’s lover and roommate, and a good swimmer. D was a very strong swimmer. It was the fact that D was at poolside that induced V, who could not swim and was afraid of swimming pools, to get close to the pool’s edge. E was the lifeguard on duty at the pool, though V didn’t know the pool had a lifeguard. F, a bystander in the water with a life preserver, tossed the preserver to V, then reconsidered and pulled it out of V’s hands. Despite his having the life preserver, F could swim well enough to reach the side without it. G was another bystander who would have jumped in and saved V but thought that either D would do so or that F would save V with the life preserver.

A-G are all indicted for various forms of homicide in the death of V, either negligent homicide or knowing homicide. They all claim that their omissions cannot be made the bases of criminal liability without offending basic principles of American criminal law.

In a four-page memo, discuss each defendant’s liability for the death of V, focusing on the act/omission discussion.

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