

CRIMINAL LAW
Professor Alexander

Required Reading

No new assignment except materials available online in PDF Format at www.sandiego.edu/~larrya.

Problem Set 5

1. Dr. Mad, weird physicist, likes to watch the effects of dropping heavy objects off tall buildings. He drops a bowling ball off the World Trade Center during lunch hour, believing it to be practically certain that the ball will kill one or more people below, though that is not his aim. He believes the risk is justified in the name of science. His colleague, Dr. Dumb, who assists him in dropping the ball, is unaware that the ball might strike anyone (all he can see from up top are tiny things that look like ants). Miraculously, the ball hurts no one. There are crimes on the books of reckless endangerment of others and negligent endangerment of others. Recklessness and negligence are defined as in the MPC. Are Drs. Mad and Dumb guilty of those crimes? Answer in a one-page memo.

2. Ralph's speedometer shows him to be driving at 80 MPH, which he believes is quite risky. Nevertheless, he maintains his speed so he can get home in time to watch the Padres. In fact, however, his speedometer is broken, and he is only driving 55 MPH, a safe speed under the conditions. Is he guilty of the crime of "reckless driving"? "Attempted reckless driving"? If he has an accident and kills someone, is he guilty of "reckless homicide" Answer in a one-page memo.

3. Frankie loads her .45 with the purpose of killing Johnny. She gets into her car and heads for Johnny's house. She is so preoccupied with the killing of Johnny that she fails to notice cars braking ahead of her. She plows into the back of a car killing its driver, who happens to be Johnny. Is she guilty of negligent homicide, reckless homicide, knowing homicide, or purposeful homicide? Answer in one-half page.

4. Jon lies in wait, intending to shoot June. He sees a person whom he takes to be June and fires. Analyze his culpability for homicide:

- (a) if the person he sees and kills turns out to be Joan rather than June.
- (b) if the person he kills is not the person he sees but is rather someone (Jan) in the bushes behind her whom Jon didn't see or have any reason to know was there.

Answer in one-half page.

5. Cal, a courier for the Cali cartel, never asks his superiors what's in the packages he's asked to smuggle. He figures it's either drugs, money, or weapons, but he doesn't ask and is never told.

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Suppose he is caught smuggling drugs. Should he be charged with the negligent, reckless, knowing, or purposeful variety of drug smuggling? Answer in one-third page.

6. Read the case of State v. Williams in the supplemental materials. What is the justification for criminally punishing persons who acted as the Williams parents acted? Answer in two-thirds page.

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