

CRIMINAL LAW
Professor Alexander

Required Reading

Dressler, Ch. 11, plus material available online in PDF at www.sandiego.edu/~larrya
See also Model Penal Code, § 2.05

Problem Set 6

1. Defendant, 21 years old, has sexual intercourse with a girl 15 years of age. Defendant, after picking the girl up at a video game parlor, asked her how old she was. Wishing to impress defendant, the girl replied that she was 19.

The state in which this occurred has a statute that punishes any man over the age of 18 who has sexual intercourse with a girl under the age of 16. What are the arguments for and against making the age of the girl a matter of “strict liability”? Explain what “strict liability” means in this context. (One page.)

2. Defendant pharmacist is accused of selling a mislabeled drug, in violation of the state’s penal code. Defendant wishes to present evidence about the care she took to avoid mislabeling. Should that evidence be material under the state law? Explain. (One page.)

3. The state makes burglarizing any building that is used as a place of habitation a more serious crime than simple burglary. Defendant burglarizes Joe’s Tavern after it closes, not realizing that Joe lives in a room in the rear of the tavern. Should he be convicted of simple burglary or the more serious type of burglary? Explain. (One page.)

4. Defendant drives his brand new BMW off the lot and suddenly the accelerator sticks, causing him to ram another car. He is charged with “unsafe operation of a motor vehicle.” Should he be convicted? Explain. (One page.)