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T. C. Williams School of Law, University of Richmond: Criminal Law Exam, 24 Jan 1944

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UNIVERSITY OF RICHMOND LAW SCHOOL

CRIMINAL LAW Examination

Professor Doubles

January 24, 1944

1. John Jones, very annoyed over the playing of some 7 and 8 year old children, threw a stone at them to drive them from the front of his premises, the stone just missing Henry Jackson. Henry told his mother about the incident, and at 10 P.M. the same day when Mr. Jackson returned home, his wife related Henry's story. Enraged over the incident, Jackson took a horse whip, went over to the Jones' home and seeing a light on in the basement, opened the outside basement door, walked in and said: "Is your name Jones?" -- to which William Jones, bachelor brother of John Jones replied: "Yes" -- whereupon Jackson lashed at him with the whip, the whip slipping from his grasp, sailing across the basement and the thick handle thereof striking Mrs. Jones in the temple. Jackson, cursing his luck and still enraged, picked up a heavy cane belonging to William Jones and hit him over the head three or four times, finally leaving and saying: "That will teach you to pick on children." On the way home and while crossing a bridge, realizing that he still had the cane he threw it in the river, uttering an oath about its owner. Mrs. Jones, the wife of John Jones, and William Jones both died as a result of the blows received.

What crimes are reasonably suggested by this record, and could convictions be had therefor ?

2. Alfred, a rival of William for the affection and hand of Helen, gave William a box of mildly poisoned candy, hoping William will become ill but not intending his death. In ignorance of the poison, William mailed the box to Helen as a gift. Before it arrived, William learned of the poison but did nothing, intending to cause Alfred to be blamed for the results. Because Helen had a defective heart, something not known to anyone until after the autopsy, the candy, which normally would have produced only a slight and temporary illness and discomfort, caused Helen's death.

Of what crime or crimes, if any, are Alfred and William guilty respectively ?

3. Flippen and Holden, rival trapeze artists, consented to appear together on a pond rally program. Flippen was to turn a double somersault from his trapeze and be caught by Holden. Holden intentionally mis-timed his swing so that he could not catch Flippen, in order to make it appear that Flippen was clumsy. Holden did not want to see Flippen injured and relied on the net below them to catch Flippen, but unknown to Holden, the net was old and it broke, Flippen being killed.

Discuss the criminal liability of Holden, if any ?

4. Peters made the following proposal to Adams: "Go over to the home of Tidd and tell the butler that Tidd has sent you for his car; bring the car back and put it in my garage and if Tidd offers a reward for its return, I will divide the reward 50-50 with you." Adams does this, and puts the car in Peter's garage while the latter is downtown. Later in the day, Adams takes the car and sells it to Thomas for \$ 300, and still later tells Peters: "You will have to pick another victim, Tidd's butler is too shrewd; he wouldn't let me have the car."

What crimes are reasonably suggested by this record, and could a conviction or convictions be had therefor ?

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January 24, 1944

5. Ross, with intent to kill Jones, went to the trailer-park in which the auto-trailer lived in by Jones was located, carefully opened the door of a trailer which he took to be Jones', inserted on the floor inside a lighted cyanide candle, and closed the door. Due to the darkness he had mistakenly picked out a deserted trailer in which noone was living at the time, and as a result the deadly cyanide fumes injured noone, but the curtains to the window caught fire from the candle and were burned before they were extinguished by the proprietor of the park.

Discuss the criminal liability of Ross, if any ?

6. A statute provides that whoever shall sell liquor to an Indian domiciled upon an Indian reservation shall be guilty of a misdemeanor. Peters operated a liquor store and employed Adams as bartender. Posters carrying announcement of the law were posted in the store. In the absence of Peters, Adams sold a bottle of whiskey to X, an Indian domiciled upon a reservation, who so closely resembled a Caucasian that Adams reasonably believed him to be one; and also sold a bottle of whiskey to Y, who is obviously an Indian, but whom Adams erroneously believed not to be domiciled upon a reservation.

Discuss the liability of Peters and Adams for a violation of the statute.

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