

QUESTION ONE

- a. Under Common Law
No abandonment
Why?
- b. M.P.C.
Yes, if voluntary and
Complete
Apply to facts

QUESTION TWO — E.E.D. Theory

Excuse
because it's not
justified if victim is innocent

QUESTION THREE — Mistake re. Consent in Rape

Mistake of fact exculpates

Does not fulfill some purposes
of punishment

Importance of *mens rea* in Criminal Law

Morissette on *mens rea*

R. v. Morgan

QUESTION FOUR — Demonstrating at a Military Base

- a. Mistake of law is no excuse.

but MPC approach

MPC allows reliance on
authority charged w/interpreting.

Apply:
Hopkins

- b. Legality:

Notice
Due process
ex post facto laws
Keeler
Apply

QUESTION FIVE — Felony Murder

Predicate felony merges
Explain
Ireland

**QUESTION SIX — Can an unintentional killing done
while drunk be murder?**

Depraved heart makes out malice
Malone
Fleming
Abandoned and malignant heart
Voluntary intoxicate not a defense to
reckless crimes.
No justification

QUESTION SEVEN — Self Defense

Usually no retreat required from own home
Why?

But here co-occupant is attacker
Sometimes retreat *is* required.

QUESTION EIGHT — Attempted Murder & Murder.

- a. Specific intent required for attempt.
Apply.
- b. This kind of murder requires only general
intent plus a death,
but if no death
occurs, the most it could be is attempt —
not possible w/o
specific intent.

QUESTION NINE — Conspiracy

- a. *Mens rea* required for conspiracy?

For knowing supplier?

Lauria

- b. Liable for earlier
crimes?

No

QUESTION TEN — Accomplice Liability

Mens rea for accomplice? Purpose
Apply

Actus reus? Aid or encouragement
Apply
Talley