

## Criminal Law Questions

**Questions 1-2** are based on the following fact situation.

Donnel met Vera in a bar where both were drinking. Because Donnel was too drunk to drive, Vera offered him a ride home. In Vera's car, Donnel put his arms around Vera and attempted to kiss her. Vera told him that she wasn't interested, and tried to push him away, but Donnel overpowered her and succeeded in having sexual intercourse with her. Vera was 17 years old.

1. Donnel was charged with forcible rape. If only one of the following facts or interferences were true, which would be most likely to lead to Donnel's acquittal on that charge?

- (A) Donnel was so drunk that he believed Vera was willing to have sexual intercourse with him.
- (B) Donnel was so drunk that he did not realize that he was engaging in sexual intercourse.
- (C) Vera was so drunk that she did not realize that Donnel was engaging in sexual intercourse with her.
- (D) Vera was so drunk that immediately after intercourse began, she forgot who Donnel was and believed him to be her husband.

2. Assume for the purpose of this question only that Vera consented to the intercourse, but that a statute provided that it was unlawful to engage in sexual intercourse with a female under the age of 18 years. If Donnel believed that Vera was over the age of 18 years, is he guilty of statutory rape?

- (A) No, because he believed Vera to be over the age of 18 years.
- (B) No, if the reasonable person who was not intoxicated would have believed Vera to be over the age of 18 years.
- (C) Yes, unless Vera assured him that she was over the age of 18 years.
- (D) Yes, but only if Donnel realized that he was having intercourse.

3. Julie had lost her job and needed to make some money quickly. While visiting a local tavern, she ran into Charlie, an old friend. When Julie told Charlie about her financial problems, Charlie pointed to an expensive-looking coat, which was hanging on a coat rack and said, "Why don't you steal that coat. It looks like you should be able to sell it for at least one hundred dollars." Because Julie said that she was afraid the owner of the coat would see her, Charlie agreed to sing in a loud voice to create a diversion so that Julie could steal the coat while everyone was watching Charlie. As soon as Charlie began to sing, Julie took the coat from the coat rack and ran from the tavern. In fact, the coat actually belonged to Charlie, who had been joking when he told Julie to steal it.

Of which of the following crimes may Julie be properly convicted?

- (A) Larceny only.
- (B) Conspiracy only.
- (C) Larceny and conspiracy.
- (D) Neither larceny nor conspiracy.

4. Darrel knew that his neighbor Volmer had a weak heart and that Volmer had suffered several heart attacks in the past. Because he was angry at Volmer, Darrel decided to try to frighten him into another

heart attack. He watched Volmer's house and when he saw Volmer leaving through the front door, he ran towards him shouting, "Look out. Look out. The sky is falling," Although Darrel was not sure that this would kill Volmer, he hoped it would. When Volmer saw Darrel running toward him, shouting, he became frightened, and had a heart attack and died on the spot.

The jurisdiction has statutes, which define first-degree murder as "the deliberate and premeditated killing of a human being," and second-degree murder as "any unlawful killing of a human being with malice aforethought, except for a killing which constitutes first degree murder." In addition, its statutes adopt common law definitions of involuntary manslaughter.

Which of the following is the most serious crime of which Darrel can properly be convicted?

- (A) First-degree murder.
- (B) Second-degree murder.
- (C) Voluntary manslaughter.
- (D) Involuntary manslaughter.

5. Dennison was having dinner in a restaurant with his employer Vale, when Vale left the table to go to the restroom. As Vale walked away, Dennison noticed that Vale's wristwatch had fallen off Vale's wrist onto the table. Since it looked like a rather valuable watch, Dennison decided to steal it. Picking up the watch, he put it into his pocket. A few moments later, he began to feel guilty about stealing from his employer, so when Vale returned to the table, Dennison handed him the watch and said, "Here, you dropped this, and I put it into my pocket for safekeeping."

Which is the most serious crime of which Dennison can be properly convicted?

- (A) Larceny.
- (B) Attempted larceny.
- (C) Embezzlement.
- (D) No crime.

**Questions 6-9** are based on the following fact situation.

One day when Edward's parents were away, Edward, Fanny, and Gerald, who were students at the same high school, cut classes to go to Edward's home and listen to records. Edward as 17 years of age; Fanny and Gerald were each 15. Edward and Fanny knew that Gerald was very shy. Since Fanny had engaged in sexual relations with several other boys at the high school, she and Edward secretly agreed that Fanny would try to seduce Gerald. Fanny had some marijuana in her purse, and she and Gerald smoked some of it. When Gerald was high, Fanny undressed him and attempted to have sexual intercourse with him. Although at first Gerald was unwilling to have intercourse while Edward was in the room, Fanny gave him more marijuana to smoke until he became so intoxicated that he was willing to try. By then, however, his intoxication made him physically unable to perform. Instead, Fanny had intercourse with Edward while Gerald watched. Gerald knew the ages of Edward and Fanny. Gerald knew that it was unlawful to have intercourse with a female under the age of 16. Edward believed that it was lawful to have intercourse with a female over the age of 14.

A statute in the jurisdiction provides that “A person is guilty of rape in the third degree when, being seventeen years of age or more, he or she engages in sexual intercourse with a person under the age of sixteen years.”

6. If Fanny is charged with attempting to commit rape in the third degree as a result of her attempt to have intercourse with Gerald, she should be found

- (A) Guilty, because she overcame his resistance by the use of an intoxicating substance and would have completed the act of intercourse but for Gerald’s physical inability to perform.
- (B) Guilty because Gerald was under the legal age of consent.
- (C) Not guilty, because Fanny was under the age of 18.
- (D) Not guilty because Fanny was a female.

7. Assume that the laws in state define a conspiracy as “An agreement to commit a crime between two or more persons with the specific intent to commit a crime.” If Edward is charged with conspiracy based on his agreement with Fanny regarding the seduction of Gerald, Edward’s most effective argument in defense would be that

- (A) the seduction of Gerald would not have been possible without Fanny’s participation.
- (B) Edward did not commit any overt act, which was likely to accomplish the seduction of Gerald.
- (C) Fanny was unsuccessful in having intercourse with Gerald.
- (D) intercourse between Fanny and Gerald would not have been a crime.

8. If Edward is charged with committing rape in the third degree by having intercourse with Fanny, the Court should find him

- (A) guilty, because Edward was over the age of 17 and Fanny was under the age of 16.
- (B) guilty, only if he knew that Fanny was under the age of 16.
- (C) not guilty, if Fanny instituted the conduct which led to sexual intercourse between them.
- (D) not guilty, because Edward believed that it was lawful to have sexual intercourse with a female over the age of fourteen.

9. If Gerald is being charged with being an accessory to third degree rape, he should be found

- (A) guilty, because he knew that it was unlawful for a male 17 years of age to have sexual intercourse with a female under 16 years of age.
- (B) guilty, only if Edward was first charged with and convicted of the same crime.
- (C) not guilty, if sexual intercourse between Edward and Fanny could have been accomplished without Gerald’s assistance.
- (D) not guilty, because he did not actually aid, abet, or facilitate sexual intercourse between Edward and Fanny.

Dobson wanted to erect a new storage building so that he could expand his business of selling animal food and veterinary supplies. He was afraid, however, that the building department would not issue him a permit to begin construction. Cook, a building department clerk said that she would make a false entry in the official records to indicate that a permit had already been issued if Dobson would pay her \$500. Dobson agreed, and said that he would bring the money the following day. The next day, however, when Dobson went to Cook’s office with \$500, he was told that she had been fired.

A statute in the jurisdiction provides that: “Any person who shall give or accept a fee not authorized by law as consideration for the act of any public employee is guilty of bribery, a felony. Any person who shall offer to commit a bribery is guilty of bribery in the second degree, a felony.”

10. If the jurisdiction applies the common law definition of conspiracy, of which of the following crimes can Cook properly be convicted?

- (A) Bribery in the second degree only.
- (B) Conspiracy to commit bribery only.
- (C) Bribery in the second degree or conspiracy to commit bribery, but not both.
- (D) Bribery in the second degree and conspiracy to commit bribery.

11. If Dobson is prosecuted for attempted bribery in the second degree, the court should find him

- (A) not guilty, because bribery in the second degree is an attempt crime, and there can be no liability for attempting to attempt.
- (B) not guilty, because it was Cook who made the initial offer
- (C) not guilty, because Dobson committed bribery in the second degree when he agreed to pay Cook for altering the records, and the attempt merged with that crime.
- (D) guilty, because attempting to commit bribery in the second degree is a lesser offense included in that crime.

12. Dana called her attorney and asked whether it would be a crime to burn down her own home. The attorney said that arson was defined as the intentional burning of any dwelling and that arson was a serious crime. In fact, Dana’s attorney was incorrect because the applicable statute in the jurisdiction defines arson as “the intentional burning of the dwelling of another”. Believing what the attorney told her, however, Dana burned down her own home for the purpose of collecting the proceeds of her fire insurance policy. A statute in the Jurisdiction defined the crime of insurance fraud as “the intentional destruction of any property for the purpose of obtaining insurance proceeds.”

If Dana is charged with attempted arson, she should be found

- (A) guilty, because a mistake of fact does not prevent a person from being guilty of a criminal attempt.
- (B) guilty, because her mistake of law resulted from reasonable reliance on the advise of an attorney.
- (C) not guilty, because Dana did not intend to burn the dwelling of another.
- (D) not guilty, because Dana’s attempt is subsumed in the substantive crime of insurance fraud.

**Questions 13-14** are based on the following fact situation.

Angry because her co-worker Ventura had insulted her, Delman decided to get revenge. Because she worked for an exterminator, Delman had access to cans of a poison gas called Terminate, which was often used to kill termites and other insects. She did not want to kill Ventura, so she carefully read the use manual supplied by the manufacturer. The manual said that Terminate was not fatal to human beings, but that exposure to it could cause serious ailments including blindness and permanent respiratory irritation. When she was sure that no one would see her, Delman brought a can of Terminate to the parking lot and released the poison gas into Ventura’s car. At lunchtime, Ventura and

his friend Alex sat together in Ventura's car. As a result of their exposure to the Terminate in the car, Alex died and Ventura became so ill that he was hospitalized for over a month.

13. If Delman is charged with the murder of Alex, she should be found

- (A) guilty, because Alex's death resulted from an act which Delman performed with the intent to cause great bodily harm to a human being.
- (B) guilty, because the use of poison gas is an inherently dangerous activity.
- (C) not guilty, because she did not know that Alex would be exposed to the poison gas.
- (D) not guilty, because she did not intend to cause the death of any person.

14. If Delman is charged with the attempted murder of Ventura, she should be found

- (A) guilty, because Ventura suffered a serious illness as the result of a criminal act which she performed with intent to cause him great bodily harm.
- (B) guilty, because her intent to cause great bodily harm resulted in the death of Alex.
- (C) not guilty, because she did not intend to cause the death of any person.
- (D) not guilty, because the crime of attempted murder merges with the crime of murder.

15. Dustin was charged with the attempted murder of Volmer. If only one of the following facts or inferences were true, which would be most likely to result in an acquittal?

- (A) Volmer was already dead when Dustin shot him, although Dustin believed him to be alive.
- (B) Volmer was alive when Dustin shot him, although Dustin believed that Volmer was already dead.
- (C) Dustin's gun was unloaded when he aimed it at Volmer and pulled the trigger, although Dustin believed it to be loaded.
- (D) Intending to poison Volmer, Dustin put a harmless substance into Volmer's drink, although Dustin believed that the substance was lethal.

16. On Darr's birthday, his friend Mead gave him a new television as a gift. The following day, when Darr opened the box and began using the television, he noticed that there was no warranty document with it. Darr phoned Mead and asked Mead for the missing warranty document. Mead said, "I can't give it to you because the television was stolen." Darr kept the television and continued using it.

Darr was guilty of

- (A) receiving stolen property only.
- (B) larceny only.
- (C) receiving stolen property and larceny.
- (D) no crime.

17. In which of the following fact situations is Dandy most likely to be convicted of the crime charged? Assume that the jurisdiction applies the common law definition of all crimes.

- (A) Dandy offered an acquaintance one thousand dollars to burn down Dandy's factory, but the acquaintance refused. Dandy was charged with solicitation to commit arson.
- (B) Dandy deliberately burned down his home and collected the proceeds of his fire insurance policy. Dandy was charged with larceny by trick.

- (C) Dandy deliberately burned down Vonn's store because he wanted to put Vonn out of business. Dandy was charged with arson.
- (D) Dandy attempted to burn down his neighbor's house because he disliked his neighbor. He poured gasoline on the door of the house and threw a match onto it. The flames had just charred the door when it started to rain and the fire went out. Dandy was charged with arson.

**Questions 18-19** are based on the following fact situation.

Tom, John and Sam were teenaged boys staying at a summer camp. One evening Vanney, a camp counselor, ordered Tom and John to go to bed immediately after dinner. Outside the dining hall, Tom and John decided to get even with Vanney. Having seen Vanney take medicine for an asthma condition, they agreed to kill Vanney by finding his medicine and throwing it away. Tom and John did not know whether Vanney would die without the medicine, but they both hoped that he would.

Sam, who disliked Vanney, overheard the conversation between Tom and John and hoped that their plan would succeed. He decided to help them without saying anything about it. Going into Vanney's room, Sam searched through Vanney's possessions until he found the medicine. Then he put it on a night table so that Tom and John would be sure to find it.

As Tom and John were walking towards Vanney's room, John decided not to go through with the plan. Because he was afraid that Tom would make fun of him for chickening out, he said nothing to Tom about his change of mind. Instead, saying that he needed to use the bathroom, he ran away. Tom went into Vanney's room by himself, found the medicine where Sam had left it on the night table, and threw the medicine away. Later that night, Vanney had an asthma attack and died because he was unable to find his medicine.

A statute in the jurisdiction provides that persons the age of Tom, John and Sam are adults for purposes of criminal liability.

18. If Sam is charged with conspiracy, a court will probably find him

- (A) guilty, because he knowingly aided and abetted in the commission of a crime.
- (B) guilty, because he committed an overt act in furtherance of an agreement to throw away Vanney's medicine.
- (C) not guilty, because he did not agree to commit any crime.
- (D) not guilty, because John effectively withdrew from any conspiracy which existed.

19. If John is charged with the murder of Vanney, a court will probably find him

- (A) guilty, because he and Tom agree to throw away Vanney's medicine in the hope that doing so would cause Vanney's death.
- (B) guilty, because he aided and abetted in causing Vanney's death.
- (C) not guilty, because he did not physically participate in throwing away Vanney's medicine.
- (D) not guilty, because he withdrew from the conspiracy before any overt act was committed.

20. As part of her campaign for re-election, the President of the United States was driving through the main street of a city in the state of Fedora in a car with a bubble-shaped roof made of bulletproof glass. Intending to shoot the President, Dosset crouched on the roof of a building and aimed a high-powered

rifle at the glass top of her car. He fired three times striking the glass with each bullet. None of the bullets penetrated the glass, and

because of the noise of the cheering crowd the President was unaware that any shots had been fired. A police officer observed Dosset firing at the President, however, and placed him under arrest. Dosset was subsequently charged with violating a federal statute, which makes it a crime to attempt to assassinate the President, and was acquitted in a federal court.

If Dosset is prosecuted in a court of the state of Fedora, and charged with criminal assault under the state law, a court should find him

- (A) not guilty, because he has already been acquitted in the federal court.
- (B) not guilty, because the President was unaware that shots had been fired.
- (C) guilty, because Dosset intended to hit the President with the bullets.
- (D) guilty, because Dosset's conduct would cause the reasonable person to be placed in fear of her life.

**Questions 21-22** are based on the following fact situation.

Conn had just been released from prison after serving a three-year term for aggravated assault. In need of money, he called his old friend Delbert and asked whether Delbert would be interested in joining Conn in the robbery of Perry's Pawnshop. Delbert agreed, but only after making Conn promise that there would be no violence. Upon Delbert's insistence, they carried realistic-looking toy guns and when they entered Perry's Pawnshop, they drew their toy guns and ordered Perry to give them all the money in his cash register and all the gems in his safe. Perry pulled out a pistol and shot Conn dead. Perry then aimed the pistol at Delbert, who fled from the store. As Perry ran out into the street with his pistol in his hand, Delbert jumped into the car, which he and Conn had left parked at the curb. Speeding away from the scene, Delbert accidentally struck Nora, a pedestrian, who died of her injuries. By statute, the jurisdiction has adopted the felony-murder rule.

21. If Delbert is charged with the murder of Conn, Delbert's most effective argument in defense is that

- (A) Conn was not a victim of the felony, which resulted in his death.
- (B) Perry was justified in shooting Conn.
- (C) The use of toy guns made it unforeseeable that the robbery would result in the death of any person.
- (D) Delbert lacked malice aforethought.

22. If Delbert is charged with the murder of Nora, the court should find him

- (A) guilty, because Nora's death resulted from Delbert's attempt to commit a robbery.
- (B) Guilty, only if he drove the car in a criminally negligent manner.
- (C) not guilty, if he was in reasonable fear for his own life when attempting to flee in the automobile.
- (D) not guilty, because Nora's death did not occur during the commission of a felony.

23. Although Donnum had been licensed to drive for fifteen years, he allowed his license to expire while he was temporarily out of the country. When he returned, he meant to get it renewed or reinstated, but did not get around to doing so. Although a statute made it a misdemeanor to drive without a license, Donnum continued to drive. One day he accidentally dropped his cigarette while

driving his car. He felt around for it while he drove, until his fingers encountered its glowing tip. Taking his eyes off the road for a moment to pick up the still-burning cigarette, he failed to see Vonderhaven who stepped out from between parked cars. Donnum struck Vonderhaven, who died instantly.

If Donnum is charged with homicide as a result of Vonderhaven's death, which of the following would be the prosecutor's most effective argument?

- (A) Vonderhaven's death resulted from Donnum's commission of a dangerous misdemeanor.
- (B) Donnum's violation of the statute, which required a driver's license made him guilty of culpable negligence per se since the statute was designed to protect users of public roads against unqualified drivers.
- (C) While mere negligence is insufficient to sustain a murder charge, it is sufficient to sustain a charge of involuntary manslaughter where it results in death.
- (D) Donnum created a high and unreasonable risk of death or serious injury when he took his eyes off the road while driving.

**Questions 24-25** are based on the following fact situation.

Larraby worked as a lifeguard from 5pm to 10pm every night at a public swimming pool operated by the City of Muni. When she arrived at work Wednesday evening she asked her supervisor Boss whether she could leave early, because she had a date. Since there were only a few people at the pool, Boss said that Larraby could leave at 8 pm. At 8 pm, Larraby told Boss she was going and left, although the pool had become quite crowded with adults and young children. At 9 pm, Susan, a nine-year-old child, fell into the pool, striking her head against its edge. Watcher, one of the adults swimming in the pool, saw Susan fall and realized that the child would drown if someone did not rescue her. Watcher had seen Larraby leave and knew that there was no lifeguard present, but made no effort to rescue Susan although Watcher was a strong swimmer and could easily have done so with no risk to herself. Susan drowned.

24. If Larraby is charged with criminal homicide in the death of Susan, which of the following would be her most effective argument in defense?

- (A) She was not present at the time of the drowning.
- (B) Her duty to assist people in the swimming pool terminated when Boss permitted her to leave at 8 pm.
- (C) Susan's death resulted from Watcher's failure to render aid.
- (D) She did not intend Susan's death.

25. If Watcher is charged with criminal homicide in the death of Susan, the court should find her

- (A) guilty, because she could have saved Susan without any risk to herself.
- (B) guilty, if she knew that she was the only person present who was aware of Susan's plight and who was able to rescue her.
- (C) not guilty, unless she was related to Susan.
- (D) not guilty, because she had no duty to aid Susan.



**Questions 26-27** are based on the following fact situation.

Vena was addicted to heroin, and frequently committed acts of prostitution to obtain the money she needed to buy drugs. One night she was out looking for customers for prostitution when she was approached by Dorian who asked what her price was. When she told him that she would have intercourse with him for \$20, he said that he would get the money from a friend and see her later. When Vena went home several hours later, Dorian was waiting inside her apartment. He said that he wanted to have sex with her, but when Vena repeated her demand for \$20, he said that he had no money. She told him to get out or she would call the police. Dorian took a knife from his pocket, saying that if she did not have intercourse with him he would kill her. Silently, Vena took off her clothes and had intercourse with him.

Immediately afterwards, Dorian fell asleep. Vena tied his hands and feet to the four corners of the bed, and woke him. She said, "Now you are going to be punished for what you have done. I should kill you, but I won't because I want to make sure that you suffer for the rest of your life." Using his own knife, she began to cut and jab at him with it, planning to torture but not to kill him. She stabbed and blinded him in both eyes, then cut off his sex organs. She also severed the tip of his nose and made a series of cuts across his face and chest.

26. If Dorian is charged with rape, the court should find him

- (A) guilty, because he overcame Vena's refusal to have intercourse with him by threatening to kill her with his knife.
- (B) not guilty, because Vena's demand for twenty dollars made her resistance conditional and therefore less than total.
- (C) not guilty, because Vena offered no resistance and Dorian did not use physical force.
- (D) not guilty, because of the injuries inflicted by Vena.

27. Assume for the purpose of this question only that Dorian dies as a result of the injuries inflicted by Vena. Assume further that she is charged with first-degree murder in a jurisdiction, which defines that crime as "the unlawful killing of a human being committed intentionally, with deliberation and premeditation." The court should find Vena

- (A) not guilty, because Vena did not intend to cause Dorian's death.
- (B) not guilty, because Vena was acting in self-defense.
- (C) guilty, because Dorian's death resulted from Vena's commission of a dangerous felony.
- (D) guilty, because Dorian's death resulted from torture.

28. Brenda was in her eighth month of pregnancy when her husband left her. Unwilling to face life as a single parent, she asked her doctor to perform an abortion. Her doctor refused, explaining that abortion so late in pregnancy could be dangerous. Brenda's cousin Diedre had graduated from medical school and was waiting for news about whether she had passed the state medical board's licensing exam. Brenda asked Diedre to abort the pregnancy, saying that she would kill herself if Diedre refused. Reluctantly, Diedre agreed to perform the abortion in Brenda's kitchen. Diedre performed a surgical procedure, which usually resulted in abortion, but because the pregnancy had advanced as far as it did, the baby was alive when separated from Brenda's body. Diedre held the baby's head under water in an attempt to end his life, but after a short time her conscience bothered her. She pulled the baby from the water and gave him mouth-to-mouth resuscitation, directing Brenda to call and

ambulance. When the ambulance arrived, the baby was breathing on his own. He was taken to a hospital where, because of brain damage, he remained in a coma until he died five years later.

If Diedre is charged with murdering the baby, her most effective argument in defense would be that

- (A) Brenda had a constitutional right to an abortion.
- (B) Diedre attempted to save the baby's life by giving him mouth-to-mouth resuscitation.
- (C) The baby's death five years later after Diedre's act was not proximately caused by Diedre's act.
- (D) Diedre lacked the necessary state of mind to be guilty of criminal homicide, because the surgical procedure, which she performed usually, resulted in abortion.

29. Donnelly shot Vasily to death. She was subsequently charged with voluntary manslaughter. Which of the following additional facts, if true, would lead to an acquittal on that charge?

- (I) At the time of the shooting Donnelly believed that Vasily was going to stab her, but the reasonable person in her place would not have held that belief.
- (II) At the time of the shooting, the reasonable person in Donnelly's place would have believed that Vasily was going to stab her, but Donnelly did not hold that belief.

- (A) I only
- (B) II only
- (C) Either I or II
- (D) Neither I or II

**Questions 30-32** are based on the following fact situation.

Donald and Denise were law students in Professor Vinton's Contracts class. Knowing that Professor Vinton kept his lecture notes in a cabinet in his office, they planned to break into the office for the purpose of copying his notes. Donald purchased a miniature camera for this purpose, after discussing the purchase with Denise and collecting half the cost from her. When they saw Professor Vinton leave his office at lunchtime they went there. Denise opened the locked door by slipping a strip of plastic under its latch. Once inside the office, Donald found Professor Vinton's notes and photographed them with the camera, which he had purchased. Denise noticed a gold-plated pen on the Professor's desk and put it into her pocket without telling Donald. She did so with the intention of returning the pen in a week or two, hoping that in the meantime the professor would be so upset about the loss of his pen that he would not notice that his notes had been disturbed. The following day, however, the pen was stolen from Denise's briefcase. The jurisdiction applies the common law definitions of larceny and burglary.

30. Of which of the following crimes may Donald properly be convicted?

- (I) Conspiracy to commit burglary.
  - (II) Conspiracy to commit larceny
- (A) I only.
  - (B) II only.
  - (C) I and II.
  - (D) Neither I nor II.

31. If Denise is charged with larceny as a result of her taking the fold-plated pen, she should be

- (A) acquitted, because theft of the pen from her briefcase was a superseding cause.
- (B) Acquitted, because she intended to return the pen in a week or two.
- (C) Convicted, because Professor Vinton was permanently deprived of the pen.
- (D) Convicted, because theft of the pen from her briefcase was foreseeable.

32. Assume for the purpose of this question only that the jurisdiction has a statute, which defines the crime of "larcenous conversion" as "intentionally carrying off property known to belong to another person." If Donald is charged with being an accessory to the larcenous conversion of Professor Vinton's pen, he should be found

- (A) guilty, because Denise committed the larcenous conversion while with Donald.
- (B) Guilty, because Denise took the pen to keep Vinton from noticing that his notes had been disturbed.
- (C) Not guilty, because Donald did not expect that Denise would take the pen.
- (D) Not guilty, because Donald did not know that Denise took Professor Vinton's pen.

33. Herpo earned his living by catching poisonous reptiles for sale to zoos and private collectors. He had been commissioned to capture a rare, highly poisonous species known as the bowsnake. Herpo hired a professional biochemist named Kemo to develop and manufacture a drug which he could take before handling the bowsnake, and which would protect him against the reptile's poison in the event that he was bitten. Although Kemo knew that the bite of the bowsnake was usually fatal and that there was no defense against its venom, she welcomed the opportunity to earn some easy money. She sold Herpo a bottle of tablets telling him that they were based on her secret formula and that they would protect him against the bowsnake's venom. Actually, the tablets were made of nothing more than sugar, but Kemo thought that if Herpo believed strongly enough in their power he would handle the snakes so confidently that he would not be bitten. Herpo caught a bowsnake and took one of Kemo's tablets before handling it, following the instructions, which she had given him. While he was handling the bowsnake, it bit him. Because the tablets did not protect him against the venom, Herpo became ill as a result of the snakebite and almost died.

If Kemo is prosecuted for her sale of the tablets to Herpo, she may properly be found guilty of

- (A) Attempted murder only.
- (B) Obtaining property by false pretenses only.
- (C) Attempted murder and obtaining property by false pretenses.
- (D) Neither attempted murder nor obtaining property by false pretenses.