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TAFT LAW SCHOOL

BABY BAR

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INSTRUCTOR: Good evening everybody and welcome tonight's Baby Bar miniseries. We will be talking about criminal law and these sessions are recorded if you want to go back and listen to a section or a lesson you missed you can go on Taft website and go to student section and go to Baby Bar miniseries and click on what lecture you are interested in.  
And any handouts will be posted there as well.  
Let's get started with criminal law.  
You should have received a checklist and as I indicated before you should have the checklist to take the examination.  
If you have your own, don't memorize a different one, and if it is missing something, put it in there.  
The checklist will help you spot issues on the exam, and with murder helps you setup your examination and how you will argue it.  
The checklist have multiple reasons and it is something you should use, I used them through law school and bar examination to help me not forget issues under the pressure on the exam.  
And worried about the timing.  
If have you any questions for you place it the question/answer box, I will be happy to help you with.  
First area, key things to remember.  
We have make assumptions and you can't do that unfortunately.  
The first thing when you read a fact pattern, understand it is criminal law being test, do the facts support the crime?  
Murder or larceny, burglary.  
They tend to have all elements but one.  
If we don't know the facts support, we will choose the wrong answer choice and guess what they have that answer there, because they set us apart.  
Like Torts make sure has the facts.  
Look within the issues to what are they testing.  
If I give you an example I'm walking down the street and I see purse and decide to keep it, is that larceny, personal property of another with a specific in tend to deprive?   
What issue are they putting in there?  
Did I have consent? They are testing if had clue of ownership, that would be larceny.  
I want to identify that and understand what a sub element within that issue is an issue, because those are your points.  
That's worth quite a few points.  
You will see on the last Baby Bar that's what they have done in certain areas.  
Do you understand within itself this weakness? This is the element that has a grey area and they want to make sure you identify that.  
Once you do find the facts support the crime, ask yourself if there is applicable defenses, why do we overlook that?  
We think they will ask in the call.  
Defenses are in the call or based on the facts.  
On the multiple choice question we wouldn't put it in the call but in the facts.  
It is your job to take that extra step and see if there is applicable defenses and that's where your checklist can help you. Is there self defense?  
Duress?  
Necessity?  
Run it through and see if these are applicable.  
Once you see we have a crime, and there is or is not applicable defenses, look to see who is being charged?  
A lot of time that person is not the one that did the act.  
That raise the issue of accomplice liability.  
If have a person that is being charged at rate, they weren't there, you are trying to input the other person's conduct by [Inaudible] liability or conspiracy.  
Those are few things I want you to remember.  
We get the proper what?  
Issue that they are looking for themselves.  
The first area inchoate crimes they are highly test ail, they are on the essays and they are on the multiple choice, and I saw solicitation as well as inchoate as well conspiracy and they put certain things in issue and you need to determine if ‑‑ based on the facts okay?  
Again it is very testable area you want to know it.  
It will show up on the essay and multiple choice questions so I should master it and one more issue I don't need to worry about it.  
I understand it.  
And can analyze it.  
The first inchoate crime we will focus on is solicitation, with solicitation you have to specific intent and you are inducing or enticing to commit a lawful act.  
If you see someone trying to induce?  
Was I inducing you or not by asking to be a lookout?  
That is grey.  
You need to know the issue on withdraw, can you withdraw from a solicitation, the majority rule is no.  
On the model penal code they will allow you to if, do you need to know both rules?  
Yes.  
On multiple choice you will answer to common law, unless they ask otherwise, they could ask you about the model penal code.  
The other thing with solicitation does merge with the underlining crime.  
What does that mean?  
If you see somebody soliciting for a burglary and commit the burglary that will solicit into the burglary.  
You need to pay attention to the call of the question.   
If they ask what can he be charged with I would bring up the solicitation and burglary.  
And what can be convicted and have solicitation is a and solicitation burglary is c, and burglary and no crime.  
Since it said convicted I will go with burglary because I know solicitation is a lesser offense, so it should merge.  
But if I don't pay attention I will pick solicitation as well as burglary because I didn't apply the doctrine of merger.  
When you do say something like that, I tell people contract, you are like I did this in another book and compare.  
You will see it will be the call of the question or maybe they changed this to what was the least defense which is the least likely outcome, they change the verbiage.  
That's why again, grammar in reading multiple choice and essays are important to break apart.  
That's your solicitation.  
Attempt is another inchoate crime.  
With attempt there are a couple of problems.  
One people talk attempted robbery, go through elements of robbery, why?  
You are just focus on the elements of the attempt, don't focus on the underlying crime, you need to show specific intent, substantial attempt by one that had the ability to commit the crime.  
Defense to attempt which would work for the all inchoate leg and possible ‑‑ but they simple if you remember the basic rule.  
‑‑ so what it is the defendant intent to commit a crime, but facts unknown to him make the crime impossible, he couldn't commit the murder.  
That would be, mad at your neighbor you are frustrated at how they are acting, so you go kill them but they died of a heart attack, so you go shoot them dead and you are getting charged for murder.  
It is factually impossible they are already dead.  
You are looking at the defendant's mental state, and the court will punish you, you meant to harm we will not give you a defense.  
But if the facts are as you believe them to be, you can ‑‑ example if I reach into a man's pocket and there is nothing there, can I be charged for attempted larceny? We will see if it will negate the defendant's Mens Rae.  
The defendant believes are legal, but it is not a crime.  
Some example, deer hunting, you go and you believe it is not in season and against the law but if there is no such law, or it is the season, then obviously it is legally impossible for you to commit a legal act.  
With an attempt you could have an issue of withdraw, it is not valid if you are in the [Inaudible] meditation ‑‑ model penal code it is voluntary and successfully abandoned the crime.  
If I have attempted robbery and robbery, that attempt will merge into that underlying robbery.  
I want you to remember with attempt, you need to go through the elements of what?  
The attempt.  
So they will try and trick you, example what is the Mens Rae of attempted rape? Most people pick it is intent crime, no it is not.  
It is specific intent.  
You have to pay attention to that, because they will do that to you.  
They will bootstrap it with general intent crime, doesn't matter, the issue is the attempt.  
Pay attention break it apart, and make sure they support the facts.  
Area students are weak in.  
You are focusing on the attempt.  
You see attempted robbery, I don't care, I do care if you analyze the elements of attempt.  
People go through robbery, killing your time and the reader and telling them you don't understand the concept.  
It is an area you want to get to know.  
Conspiracy is huge, it is an agreement with an agreement you could have it by conduct, attached to agreement ‑‑ and you will know based on the facts.  
On the last Baby Bar I'm really looking was it an agreement by conduct, based on the actions.  
you will know based on the facts, if they are putting this at issue.  
Between two or more and need the intent to commit a lawful act, which I felt the last Baby Bar the intent of the lawful act they put an issue, because it was mother/daughter issue.  
In regards to the agreement I pointed out it request we expressed ‑‑ where you have a police officer, the courts find if have a police officer agreeing you have a lawn article agreement.  
One thing you do need to absolutely understand with conspiracy once it is formed you are guilty, no way out of it, you will always charged once you can prove the elements of the conspiracy.  
If I withdraw, what is the effect?  
If it is effectively communicated or model penal code or you take steps to forwarded it all that withdraw effect is to cutoff liability in further thereof.  
Even with effective withdraw with conspiracy are still guilty of the conspiracy.  
Remember with a withdraw releases crimes in furtherance of the conspiracy and not the conspiracy itself.  
Remember that.  
Once you show conspiracy, Pinkerton's rule is testable; each member will be liable for all crimes committed in furtherance of what you agreed to.  
What you are doing inputting on someone that didn't do the act.  
If we agreed to do rob the bank, but we agreed to use pretend pistols and you brought a real gun, and shoot the clerk?  
Why should I be charged with the murder?  
Maybe robbery.  
Is it natural foreseeable result a death could occur during the robbery?  
This is boarder than you think.  
Is it perceivable you would have brought a real god?  
It is a little broad.  
When you are doing it inherently dangerous like robbery, it is something that could result.  
That is through the theory of Pinkerton even though I didn't do the act.  
The whole purpose it makes sense, they want to punish your mental state, they don't want you out there doing criminal activity.  
It all has a reason.  
So Pinkerton is testable and I want you to know it cold.  
It comes up all the time on the Baby Bar.  
It is an area they like to test and break it apart.  
They like to test and pay attention to the call, the call of the question will dictate.  
What does that mean?  
In regards to the call I believe her name was Betsy, she was in the call for a year ago, 2016 Baby Bar.  
And it basically asked what theories can she be convicted of.  
And she didn't do anything than wait in the car.  
We had to bring up the conspiracy and underlying crimes of the person that did the action and input it onto her during Pinkerton, since she didn't do the action I did the conspiracy first and see what we can convict other party of.  
And you had to do that through each crime, if you found cop ability for that crime.  
Other issue people bring up which I have never seen tested on is Wharton's rule, it takes two to commit the act so we can't charge you with conspiracy, that's adultery, bigamy, takes two to do the act.  
It doesn't come up.  
It says if it takes two commit the unlawful act we can't charge you with conspiracy.  
Merger does not apply to conspiracy.  
Conspiracy independent crime on its own.  
It is a better fit if I can find the agreement than accomplice because I can charge you with conspiracy with the underlying crime and with accomplice ‑‑ will be the better argument.  
Spend time on inchoate crimes do multi states.  
Highly testable, you do need to know it.  
No way around it.  
Any questions in regards inchoate crimes?  
Next you have what I call third party liability, or accomplice liability, accessory before or after the fact, or first degree and second degree, I will call the accomplice that abides another.  
If you helped me to give me the bank plan to help me rob it. That helped prior to or ‑‑ I will not do it.  
Accessory before the fact helps you before, such as a bank manager giving you the floor plan to the bank.  
If the crime already occurred and what are we doing hindering that arrest, inputting liability on to you. If I'm accessory after the fact, anything after that is still onto me as accomplice. Accessory after the fact nothing is hinder onto me thereafter can be inputted onto me.  
It is based on upon somebody else's conduct on to you.  
With the accomplice liability you are looking at with accomplice they can be liable for other acts that third party where it is a perceivable based on their actions.  
They go into a store and wink, wink, decide to rob it.  
Death can be onto another accomplice that didn't do the wrongdoing.  
Murder.  
Is very testable.  
It is something I will see if you want to get to know.  
We have setups about how we break it apart.  
I don't think murder was on the last Baby Bar so it is good for testing.  
Be aware of it.  
They tested arson, and death crimes, and defenses they were looking at, and entrapment came down on the last Baby Bar.  
Murder looks good for testing ‑‑ [Inaudible] I want you to look at that malice, intent to kill, intent to cause bodily harm, reckless conduct and felony murder rule, that's one of their favorite.  
You want to understand if you can grab on all four ways to show malice, I take out my gun and shoot everybody done intent to?  
Kill?  
Yes, I could argue all four; I want you to bring up all four and break it apart and go through it.  
Because that's points.  
The key thing you want to realize here with the felony murder rule, if a death [Inaudible] that will show malice.  
What does that mean?  
 [Inaudible] those are considered dangerous felonies and if a death results you will be guilty of the felony murder rule for malice.  
Causation if it is not an issue get in and out, same things you learn in Torts.  
Approximate cause, is it foreseeable? You will know to argue more or get in and get out and type it whether it is first degree or second degree.  
First degree is killing intent for [Inaudible] or poison, ambition, torture or [Inaudible] I do a shortcut, and I grab what is the issue on the facts.  
I will tell the reader first it can be shown by one way and go analyze that, I don't want to bring up the full rule and analyze it if there are no facts.  
Break it apart.  
They did test a year ago. Your special felony rule or your red line view on how you see that, when you have an innocent party doing the killing.  
So there is no real way to miss it.  
You have the bank teller shooting somebody or the security guard, innocent party doing the killing.  
What are we trying to do that have innocent party doing the killing to the felony.  
It has to be obviously done by the hand of the felon himself.  
If it is not first degree, put into second degree.  
Once up find we have do have murder.  
Once you find the crime what should you do?  
Go look and see if we have defenses.  
So do we have self defense?  
Do we have defense of others?  
Crime prevention?  
Whatever it might be based on the facts.  
Rule of thumb you see defenses two or more.  
If you just see one I want you to go back and run it through that checklist and see if you can argue you another.  
Defense of crime prevention tend to go together.  
Run through checklist and see if there is another one you can grab onto.  
Can get you more points.  
Regards to your defenses, we have self defense, and you all looked at the facts one can use reasonable force to protect oneself, but can I use deadly force and what do I need to show?  
I can use reasonable force to defend myself, but it can arise to deadly force if my life is being threatened, and it has to be imminent threat.  
They do test in this, but you want to be aware of, who is the aggressor.  
If I'm the wrongdoer trying to steal property and you take out a gun to shoot me do I have to ‑‑ these are areas they will test you.  
You had to do the retreat before you can regain that right to claim self defense.  
They test that on multiple choice.  
If you are the aggressor, why would you have the right to that defense?  
As the aggressor you can gain that right back once you retreat.  
Again the aggressor must retreat and then the only argument around that if the threat is deadly you have the right to protect yourself.  
Defense of others, one may use reasonable force to protect a third party and the you step in the shoes, that means the third party you are defending had the rights to be defended.  
You believe somebody is being attacked and a police officer is arresting this person and you punched the officer in the nose that person you thought you were protecting has no right. You step in the issues of that party and you have no right and, it is no defense.  
You try and stem away from that, we do allow grounds for reasonable mistake.  
And what we looked at that case would a reasonable person thought the same thing you did.  
It looks the same to everybody than maybe we should allow it to be a defense.  
policy is why?  
Because we want people to help when you see someone doing a crime, we want people to step up.  
Crime prevention, one may use none deadly force to prevent a crime.  
The modern view you ask use deadly force and this is tested as well. When there is a threat of death or imminent serious bodily harm, this was tested a year ago with a guy trying to steal the beer and security guard going after him.  
She is trying to prevent the crime, but she shot him dead, he wasn't carrying a weapon or anything, there is no threat, she exceeded the use of force.  
You are trying to still your car, you can't use deadly force unless you can show imminent of series bodily threat to yourself, then you can use deadly force, that's crime prevention.  
Defense of property, one might use ‑‑ and again if it is in your home this with again we look to imminent threat of bodily home, you are defending your home, but it is not threaten willing force you can't use deadly force.  
Unless there is imminent threat of bodily harm.  
Do you have a duty to retreat?  
Not if it rises to the level of imminent home.  
People seem to miss, if someone is trying to steal my property and I can prevent harm, me getting hurt or the wrongdoer you, need to take that route?   
One multi state someone is the house downstairs and the husband and wife wake up, and the husband says I'm tired of being rob and the wife said let's call the police and he said no and goes and kills him.  
You could have safely left the home and called police. Of course when he argues defense of property it won't work because you can't use deadly force, he created the ‑‑ so he will not get off the hook.  
That's example you will see on the multi states where I'm sorry, it is like you have a duty if it is a safe way to get out, go do it and call the police.  
You cannot use deadly force to protects one's property.  
Intoxication that was tested on the last Baby Bar, voluntary versus involuntary. Voluntary intoxicate negates specific intent, you need to know those crimes, don't you?  
The last Baby Bar dealt with arson, will it negate arson?  
No, because it is not a specific intent.  
You have to show larceny or robbery, voluntary intoxication could negate those crimes or intent.  
Voluntary negates the intent to commit any crime, like an roofie that was slipped to you.  
The one thing I want you to be aware of with intoxication this has come up before, the one thing on the last Baby Bar, the likelihood is slim but you never know.  
You look to their actions, if someone says you are so intoxicated do you really know what you are doing.  
How it was tested let's go rob ‑‑ let's go buy some alcohol, well I don't have money either do I.  
So let's go to the store and take it.  
And they are been drinking for hours and they are claiming voluntary intoxication, couldn't rob.  
They were drinking for several hours and they knew they didn't have money, they have some actions.  
Based on those facts that's enough to negate the intoxication.  
A lot of times they don't know what to say, but they are intoxicated, are they understanding what they are doing.  
You have no include but based on those facts there is include there, so won't work for negate.  
Infancy, that was on the last Baby Bar, 0 to 6, conclusive.  
[Inaudible] presumption is on the prosecution to rebut and 14 and above, you are treated like an adult.  
With the last one, I think the girl was 12, it fell into the 7 to 14, and you have to rebut it. Are you infancy, prosecution, rebuts? So you want to go back and rebut based on what she said, knowledge of, what did she do?   
All those facts will come in, can we rebut, you need to open up if there is a counterargument on the other side.  
Baby Bar had good counter arguments.  
But we are getting one sided so we are only getting 60s.  
I want my 80.  
A lot of times 1 or 2 issues there is a counterargument and we need to go look for it and grab it.  
Get the points.  
All about points.  
Insanity that was tested, I guarantee it will be on multi states and they will play with you and take language and mix it up on you.  
You need irresistible impulse, M'Naghten, ALI model penal code.  
On a multi state they will take specific language and mix it up to you, like irresistible impulse you need to show due to the mental defect you can't control your conduct, that overcomes your free will.  
God is telling me to commit murder and I do it, it is impulse I have no control.  
And Durham rule is the defect, it's was a product of the defect, mental illness.  
Versus model penal code you need to show the defendant lacked a substantial capacity to conform to the laws. If I feel I'm being told by demon that all banks are corrupt and no good to society and I should go burn it down, and I go burn it down and I realize I don't want to burn those people, I will come back at night.  
When I argue under the model penal code that I lack the substantial capacity to conform, will that work?  
I knew better why?  
Because I came back at night knowing I didn't want to hurt the people.  
So I knew my acts didn't conform to the law.  
M'Naghten, it is based on the nature and quality of the actions.  
You need to know these language.  
They will give you a fact pattern that that are commands of god and they went to kill school children, terrible. And they will give you which defect or insanity defense will work.  
Because of the mental defect it was a product of mental illness and it lacked [Inaudible] or basically you didn't understand the nature quality of your actions and your mental illness, I'm combining those can't be right.  
They will use that language, pull it out and know it.  
Guaranteed two multi states.  
Those are your defenses, once you find, there is a murder as if there is a true defense?  
Insanity remember you can argue on the ‑‑ they have to tell you something is off.  
What I believe, if I just did drugs and have these delusions and I'm thinking of insanity or born with a mental defects.  
Whether you are looking at your defenses and we are still discussing murder and you want to see if can mitigate that murder. And you can only mitigate to voluntary manslaughter.  
There are several ways if you show adequate provocation, loss of equilibrium, and time to cool.  
You will see I go rob a liquor store, and I go in there and see who I believe to be my boyfriend flirting with another woman and I shoot him.  
[Inaudible] would a person lost their equilibrium, and the answer is no and did you have sufficient time to cool off?   
Will you see something to escalate your temperature, doesn't mean it is reasonable, I will talk about voluntary manslaughter.  
And another way to get to it is imperfect defense, so if it is imperfect defense of property or crime prevention all those will work.  
It has to be an imperfect defense, I don't like when people use imperfect self defense.  
You can mitigate by imperfect defense, someone is trying to steal my car and I'm hanging onto my keys, and I take the crowbar and kill him.  
Because of defense property I don't have the right to use deadly force, mitigated to voluntary manslaughter.  
I tell you Tommy decides to rob a warehouse and he walks out and there is the police and they say halt and start shooting them, and he turns back and shoots and kills police officer.  
We go to trial and obviously arguing murder he is trying to bring up I shouldn't be convicted of first degree I have self defense claim and even you saying I didn't have right and I had duty to retreat it should be mitigated to voluntary manslaughter.  
No, it has to be on good defense.  
Since he was an aggressor, he was the one that did this, we will not allow him to mitigate his first degree to voluntary manslaughter because he felt reason to defend himself, will not let it happen.  
Good faith, meaning you had a right or thought you did, but sorry you were wrong.  
Everybody understand that?  
I do want you to spend time in regards to murder area; it is right for testing since it wasn't on the last Baby Bar.  
Be aware of it and get your understanding of felony murder rule and how it works and it might come right back and make sure you can handle it. Homicide voluntary manslaughter that's unintentional killing ‑‑ you do see murder and you have ways to ‑‑ the only way you will get the involuntary [Inaudible] then I will look to involuntary manslaughters that is a jury call, what is reckless and negligence.  
One area they do test on the multiple choice questions that you are aware of, you do test in regards to second degree versus voluntary manslaughter.  
I used to miss these. You are driving down the street, right?  
After work one late night and you run over a child in front of a school zone.  
Is that second degree murder or voluntary manslaughter?   
I always jump on second degree but that's wrong. One night after work, children are not likely to be out there.  
It would be involuntary.  
But if I said during lunch time, kids get out during lunch time, then that could change where answer would be second degree murder, it is factual.  
That will dictate where to go. Murder in the second degree or involuntary manslaughter.  
You need to write out your why, because you will learn from it and not make the mistake again.  
Another highly testable area is theft crimes, you have larceny, larceny by trick, false pretenses, embezzlement, robbery and receiving a stolen property, those are what you call theft crimes.  
These will be on the multiple choice.  
How they test with larceny, is it a larceny or embezzlement, false pretenses or larceny by trick, they will test and make sure you know.  
Take my car to mechanic to be repaired. He said it be 100 bucks and he knows I have more to do, and I come back and say 300 bucks so I go back at night and take my car.  
Have a committed a crime when I go back and committed my car?  
And the answer is yes.  
That's the issue of larceny you can larceny of services.  
Was it trust and taking AI with a [Inaudible] money I owed him with specific [Inaudible] because I wanted my car back.  
These are things by practicing the multi states I didn't know you could do that, larceny by services.  
Versus larceny by trick, you obtained the property by some kind of ‑‑ but you didn't get title that would be what?  
False pretenses.  
It has to be passed or existing fact can't be something in the future.  
Embezzlement by one that is rightful entrusted but there are multi states there, if I knew you would ‑‑ that you but I'm going to keep it, would that be embezzlement or would that be larceny?   
They will play with you and you need to know the difference.  
What I tell myself, I can myself when looking at the crime, did I obtain the position, what is custody or control or did I obtain title and I look at time?   
The transfer and intent doctrine works for these.  
If I borrow your car and say going to doctor, but know I'm going to Las Vegas, I obtained it, would that be larceny or embezzlement, it is larceny [Inaudible] these are areas you want to get to know and understand and focus on position.  
Did you obtain the interest and what kind, custody or control and title and the time? These are all over the multi states.   
The theft crime is robbery, same as larceny by force, fare and imitation, you have to have force or fare or some type of imitation.  
You will see it based on the facts whether it was underlining robbery.  
If you see stolen property with that knowledge, guess what you committed?  
This crime is subjected.  
You look to the defendant's mindset.  
If I go back behind an allies and buy a TV and I thought everything was kosher could I be charged with receiving the stolen property? No, the guy is trying to steal a buck.  
Those are the test crimes.  
I can't harp on it enough, those are tested on the multiple choice questions as well as the essay, it is something you want to get to know.  
Burglary arson, arson was just tested and burglary did come up.  
Burglary you will start off with common law first the night time breaking and entering, dwelling house of another, these needs to coexist at the same time or you don't have burglary.  
And you could have constructive breaking to gain access.  
And the key thing I want you to remember you have to intent to commit felony at time of entry.  
If I'm in the store and it's cold and I break into a house to get warm and see a pocket watch and steal it.  
Did I commit?  
No.  
I had no specific intent.  
I break into the neighbor’s house to get back my own TV.  
What crime am I committing?  
Did I specific intent to commit a felony and then when I'm in there I do something else? Pay attention to the facts.  
On essay you find common law burglary fails go to your model law burglary.  
If you find that common law fails then you want to go to your modern law.  
Modern law you need [Inaudible] entry but any structure and commit any crime.  
It is very broad.  
The question too the last Baby Bar it was through a car.  
Common law ‑‑ but modern law you can argue car is a structure, you could find a modern law as long as the elements are there.  
Arson, malicious burning of the property of another.  
It is malicious; charring is a type of burning.  
Last Baby Bar they said the contents in that were burnt, but blackening on the tool sheds and they want to argue if it is a structure because if it wasn't, we don't have an arson, because it needs to be dwelling house of another.  
Problem was it burnt?  
And I feel based on those facts you could argue either way they led you to interpret, hanging there to see which way you jumped.  
Take the side and argue it and go for it.  
Larceny is highly testable and sometimes it takes to you another crime like larceny, if I have intent to steal something, you have two crimes.  
The facts will dictate and that will make a difference in your score.  
We have other crimes kidnapping, false imprisonment, assault, battery, rape.  
One area I want to you be careful, rape, they like to test.

Attempted rape usually because they want to trick you in regards Mens Rea.  
General is what?  
It is objective.  
Statutory rape can we argue rape as defense?  
No.  
Strict liability crime.  
We are going down for whether it was your wife or the other case may be.  
No excuse or mistake.  
Other defenses I want you to be aware of it mistake of fact and of law are similar to factual possibility and legal ‑‑ if you use one or the other the bar will take them interchangeable.  
It is okay.  
Don't panic.  
Again all it is the mistake of fact you are looking at the defendant and the facts as you believe them to be is your fact of crime, guilty no defense for you.  
Again like example like I gave you early I wanted to kill my neighbor you had a heart attack I go shoot argue for the attempt, won't work because the facts I believe them to be, I believe him to be alive, it is a crime, they will punish me for my mental state.  
What is example that can get you off the hook?  
I gave you example of hunting, I believe it is hunting season but it is not, but for the mistake of my crime, would it be a crime? It will negate my intent you see how it works.  
Look at the defendants and what his belief is and if his belief and mindset will not make it crime, it will work as a defense.  
General no defense, find based on the facts.  
[Inaudible] there is exception to the rule as reliance, if you get an attorney interpretation to some law or that effect.  
Duress, does come up on the multi states and sometimes on the essay question.  
Imminent threat of harm to yourself or close family member.  
They did this with the family cat, bootstrap the argument.  
Is it imminent threat and is it a close family member?  
I would make an argument let them know you are thinking.  
Consent doesn't come up too much, willingness of that is about to occur.  
Entrapment just tested.  
You can't just do 1, 2 views depending on the jurisdiction, and the examiner will not tell you which jurisdiction you are in. You have predisposition. They look at the defendant's subjective intent.  
If they have a tendency to rob banks, and I was in jail for 20 years, are you predisposed?  
They give you a fact pattern that will show predisposition.  
Versus the objective standard we are looking at the police activity.  
What that means will you look to see if a reasonable outcome to the criminal activity? Would it overcome your free will as a standard person? That's hard to meet.  
Look at statutes, if they give you, that's your law.  
If they give you statute go determine what is the Actus Reus and the Mens Rea. Is it strict liability, specific intent? And they need to give it to you in a language to knowingly violate the law.  
Look to verbiage and to see what the Actus Reus and Mens Rea, and you will know it based on the facts.  
The call of the question, the last Baby Bar had two criminal questions, the other one was specific giving you in regards to arson and defenses.  
It was more specific, pay attention to those calls.  
The more specific it is, go look for element of what is being tested, break it apart. Is he guilty of arson?   
Go look and see what you can argue. Everybody saw the arson it was notice call, there is something there.  
If see a general call like Dave was convicted of murder at a lesser offense, look for murder first degree, second degree, voluntary manslaughter, does not mean look for assault and battery.  
You don't want to bring them up.  
Can be committed of murder and any lesser defense?  
That's important because I don't want to waste time.  
Versus if you have specific call, here is an example, can Jimmy be charged with a burglary or robbery.  
You can't pick what the facts support, you need to do both. Go through common law of burglary then go the modern law then my issue of robbery.  
Practicing these essays that will help.  
That's very important.  
Why?  
Because I want to know what I'm doing before I walk in the door.  
That's your criminal law in a nutshell.  
Any questions for me?  
Is it coming together because we hit Torts, contracts and criminal. Hopefully, it is making sense and you are getting better scores.  
This point what will happen you will be sent an essay and multiple choice for criminal law.  
You need to do writing.  
The more you understand how things come up, it's better off you are going to be.  
I looked at one exam she received a 90, a 70, an 80, and 80.  
Those are good scores.  
One thing she did do, she broke down those hours, she memorized her rules, practice in regards spotting essay questions and understanding how issues come up and how to articulate it back on the exam. And practiced multi states, even though that was 75, enough to get her by.  
Going through the essay, practicing them the multi states over and over until you get it, that makes a big deal of differences.  
If I don't, then what will happen?  
I will be doing this again and not happy about it.  
Don't want to do it again.  
Put in the time and effort now that will make a difference in the outcome.  
I highly recommend for you to do.  
Feel free to let me know.  
I will be happy to help you anyway I can.  
Practice your multi states, issues, and getting your timing down before we hit your criminal essay, any questions before I say good night?  
All right.  
I do expect to look at this criminal essay question that is being sent out to you, write it and let me give you feedback, to see if you are writing correctly. Head notes are good, IRAC your analysis.  
We won't get our point which we deserves which is frustrating.  
Write those exams, it is important.  
If you have questions shoot me an e‑mail at jdadmissions@taftu.edu. I wish you a good night and I will talk to you next week.  
Good night.  
(Class ended)