

1. B is correct. Rape is a "general intent" crime, which means that a conviction may be had even though the defendant did not intend to engage in intercourse without the female's consent if he acted recklessly or was criminally negligent in determining whether or not she consented. It is necessary, however, that the defendant intend to engage in intercourse. If Theodore did not intend to have intercourse, he cannot be convicted.
2. D is correct. Some courts say that statutory rape is a strict liability crime, requiring no intent at all; other courts say that it is a general intent crime requiring only the intent to have sexual intercourse. Under either view, this means that a defendant who has sexual intercourse with a female who is too young to consent is guilty if he was aware that he was engaging in intercourse. This is so even though he did not know that she was underage, even though a reasonable person would not have known it, and even though she told him that she was over the age of consent.
3. D is correct. Larceny is defined as a trespassory taking and carrying off of personal property known to be another's with the intent to permanently deprive the owner thereof. A taking is trespassory if it violates the rights of the owner. Since the coat was Alex's and since Alex told Stacy to take it, the taking did not violate Alex's rights and was, therefore, not trespassory.
4. A is correct. A killing is intentional if the defendant desired or knew to a substantial degree of certainty that it would result from his act. A killing is deliberate and premeditated if the defendant was capable of reflecting upon it with a cool mind and did in fact do so. Since Jim hoped for Mark's death, the killing was intentional. Since he reflected on it in advance with a cool mind, it was deliberate and premeditated. Since first degree murder is the most serious crime listed, B, C and D are incorrect.
5. A is correct. Larceny is defined as a trespassory taking and carrying off of personal property known to be another's with the intent to permanently deprive the owner thereof. A trespassory taking is an acquisition of possession contrary to the rights of the owner and without the owner's consent. Since Phillip acquired possession without Eric's permission, he committed a trespassory taking. A carrying off occurs when the defendant moves the property, even slightly, with the intention of exercising dominion over it. Since Phillip moved the watch from the table to his pocket with the intention of keeping it, he carried it off. Since he knew that the watch belonged to Eric and intended to keep it for himself, he had knowledge that the property was another's and intended to deprive the owner of it. He, therefore, committed a larceny, making A correct..
6. C is correct. At common law, rape can be committed by using intoxicants to overcome the victim's resistance. Under the given statute, however, third degree rape is committed only when a person over the age of seventeen has sexual intercourse with a person under the age of sixteen. Since Erin was only fifteen, she cannot be guilty of committing it.
7. D is correct. Under the state's definition, conspiracy requires an agreement to commit a crime with the specific intent to commit a crime. If the act which Jake and Erin agreed to commit was not a crime, Jake lacked the specific intent required. Since neither the common law nor the statute given prohibit sexual intercourse between persons of Bart's and Erin's age, intercourse between them would not have been a crime, and the agreement between Jake and Erin was not a conspiracy. Wharton's Rule provides that there can be no conviction for

conspiracy unless one of the parties to the agreement was not logically essential to the commission of the act which they agreed to commit.

8. A is correct. Statutory rape is a crime for which no intent is required other than the intent to have sexual intercourse. The given statute defines it as sexual intercourse between a person 17 or older and a person under 16. Since Jake engaged in sexual intercourse with Erin while he was 17 and she was 15, he is guilty of violating the statute.
9. D is correct. A person may be guilty as an accessory or accomplice if he intentionally aids, abets, or facilitates the commission of a crime. Standing by in silent acquiescence, however, does not constitute aiding, abetting, or facilitating unless the defendant is ready, willing, and able to render assistance in its commission if needed. Here there is no indication that this was so. Since mere knowledge that a crime is being committed is not enough to result in liability, A is incorrect. B is incorrect because in the majority of jurisdictions it is no longer necessary for the principal to be convicted before an accomplice can be tried. A person who intentionally aided, abetted or facilitated the commission of a crime may be convicted even though his participation was not essential to its commission.
10. A is correct. Addison is obviously guilty of bribery in the second degree because she offered to alter the official records for five hundred dollars. She cannot be guilty of conspiracy, however, because of Wharton's Rule, which provides that there can be no conspiracy unless the agreement involves at least one person who is not essential to the commission of the crime to which the conspirators agreed. Since the crime of bribery could not have been committed by either Addison or Ronny acting alone, neither can be found guilty of conspiring with the other to commit it.
11. D is correct. A lesser included offense is an offense the elements of which are completely included among the elements of a more serious crime. Attempting to commit a crime is always a lesser included offense, since its elements are always included among the elements of the completed crime. One who commits a crime is guilty of all lesser included offenses. Since Ronny offered to commit bribery he is guilty of bribery in the second degree, and since the attempt is included in the completed crime, he is guilty of attempting to commit bribery in the second degree.
12. C is correct. A person is guilty of a criminal attempt when, with the specific intent to bring about a result which is criminally prohibited, she comes substantially close to bringing about that result. Since, under the applicable statute, burning down one's own house is not arson, the result which Neveah specifically intended to bring about was not criminally prohibited by the arson statute. For this reason, Neveah could not be guilty of attempted arson. C is, therefore, correct.
13. A is correct. Murder is the unjustified killing of a human being with malice aforethought. Malice aforethought includes the intent to cause great bodily harm to a human being. A defendant "intends" a particular consequence if she desires or knows to a substantial degree of certainty that it will occur. Since Melissa desired and/or knew that exposure to Terminate was likely to result in great bodily harm to Paxton, she intended to cause great bodily harm to a human being. Since Junior died, Melissa may be found guilty of his murder.
14. C is correct. A person is guilty of a criminal attempt when, with the specific intent to bring

about a prohibited result, she comes substantially close to doing so. Thus, all attempts are "specific intent" crimes. This means that although murder does not require a specific intent to cause the death of a person, attempted murder does. Since Melissa did not intend to cause the death of a human being, she lacks the intent required to make her guilty of attempted murder.

15. B is correct. A person is guilty of a criminal intent when, with the specific intent to bring about a criminally prohibited result, he comes substantially close to achieving that result. Thus, all attempts are "specific intent" crimes. This means that, although murder may be committed without the intent to kill, attempted murder may not. If Harry believed that Hanz was already dead, he could not have intended to kill him, and so could not be guilty of attempted murder.
16. D is correct. The crime of receiving stolen property consists of acquiring stolen property with the knowledge that it was stolen and the intent to permanently deprive the owner thereof. Since Jack did not know that the television was stolen when he acquired possession of it, he cannot be guilty of receiving stolen property. A and C are, therefore, incorrect. The crime of larceny consists of the trespassory taking and carrying off of personal property known to be another's with the intent to permanently deprive the owner thereof. Since Jack did not know that the television was the property of another when he took it (i.e., received it from Janet), he cannot be guilty of larceny. B and C are, therefore, incorrect.
17. D is correct. At common law, arson is defined as the intentional or malicious burning of the dwelling of another. Any burning which chars some actual part of the structure is sufficient to result in a conviction. Since the door was charred, there was sufficient burning to establish Robert's guilt.
18. C is correct. A criminal conspiracy is an agreement to commit a crime and is complete when two or more persons make such an agreement. Although Tony privately decided to assist Laurent and Paul in the commission of a crime, he did not agree with them that he would do so. He is, therefore, not guilty of conspiracy, and C is correct. One who knowingly aids and abets in the commission of a crime is guilty of that crime as an accessory. For this reason, Tony might be guilty of murder.
19. A is correct. Murder is the unjustified killing of a human being with malice aforethought. Malice aforethought includes the intent to kill, which means the desire or knowledge that the defendant's act will bring about the death of another person. Since Laurent threw away Toby's medicine with the desire that doing so would bring about the death of Toby and since Toby died as a result, Toby was murdered. A criminal conspiracy is an agreement to commit a crime. Since Laurent and Paul agreed to kill Toby, they were involved in a criminal conspiracy.
20. C is correct. There are two different forms of criminal assault — conduct which intentionally induces fear, and attempted battery. Criminal battery is the intentional or reckless application of force to the body of another. A person is guilty of a criminal attempt when, with the specific intent to bring about a criminally prohibited result, he comes substantially close to achieving that result. Since Mario shot at the President with the intention of hitting her, he attempted a battery. Since he did not succeed, his crime was assault.

21. B is correct. Many jurisdictions hold that the defendant will not be guilty of the murder of a co-felon under the felony murder rule if the co-felon's death resulted from a justifiable attempt by the crime-victim to prevent the crime. Although this is not the law in all jurisdictions, it is the only argument listed which would provide Tyron with any defense at all.
22. A is correct. The felony murder rule provides that the intent to commit a felony is malice aforethought, and that a death which results from the perpetration of a felony is, therefore, murder. For this purpose, the perpetration of a felony continues during the defendant's attempt to escape to a place of seeming safety. Brook's death thus occurred during the perpetration of a robbery, and Tyron could be convicted of murder even if he was driving carefully at the time it occurred.
23. D is correct. Involuntary manslaughter is an unintended killing which results from conduct which created a high and unreasonable risk of death or serious injury, or from the commission of a malum in se misdemeanor. If Woody's conduct created such risk, he could thus be guilty of involuntary manslaughter. While it is not certain that a court would come to this conclusion, D is the only argument listed which could possibly support the prosecution.
24. B is correct. Ordinarily, an omission (i.e., failure to act) does not lead to criminal responsibility unless it violated a legal duty to act. Nora's duty to aid people at the swimming pool existed only because she was employed as lifeguard and, therefore, only during her hours of employment. Since her supervisor allowed her to leave at 8 p.m., her hours of employment ended at that time. For this reason, she may successfully argue that she had no duty to rescue someone who came into peril after she left the pool.
25. D is correct. In the absence of special circumstances, no person is under a legal duty to render aid to another. Since a failure to act can lead to criminal responsibility only in the face of a duty to act, Penny's failure to rescue Ella was not a crime. This is true even though she could have saved Ella without risk to herself, even though she knew that there was no one else who could rescue the child, and even if she was related to Ella. A, B and C are, therefore, incorrect.
26. A is correct. Rape is committed when the defendant intentionally has sexual intercourse with a female not his wife without consent. Although it is necessary that the victim be unwilling, it is not necessary for her to put up a fight if it would be futile for her to do so or if she reasonably believes that resisting will cause her to sustain serious injury. Since Crystal's refusal was overcome by a threat which would have led a reasonable person in her place to fear for her life, the intercourse was without her consent. If her resistance had been overcome by payment, the intercourse would not have been against her will. But the fact that she was willing to accept payment does not mean that she consented to intercourse with one who did not offer payment, or even with one who did. B is, therefore, incorrect. C is incorrect because Crystal's resistance was overcome by Kevin's threat of physical force. Since Crystal inflicted the injuries after the intercourse occurred, her conduct in inflicting them could not possibly relate to whether she consented to the intercourse. D is, therefore, incorrect.
27. A is correct. Since the statute requires intent, and since Crystal did not intend Kevin's death, she is not guilty of first degree murder under the statute. B is incorrect because once Kevin was asleep (and certainly once he was tied to the bed), Crystal was no longer in danger and therefore not privileged to use force in self-defense. Although some first degree murder

statutes include deaths resulting from the commission of dangerous felonies, this particular statute does not. C is, therefore, incorrect. Many first degree murder statutes include death resulting from torture, but this one does not. D is, therefore, incorrect.

28. C is correct. Murder is the unjustified killing of a human being with malice aforethought. Since malice aforethought includes the intent to kill, and since Karina held the baby's head under water in an attempt to end his life, Karina had the necessary mental state and committed the necessary act to make her criminally responsible for murder. It is also necessary, however, for the prosecution to show that her act was a proximate cause of the baby's death. Since there is no clear indication that this is so, it is possible that Karina may be acquitted of murder.
29. D is correct. One who intentionally kills another under the mistaken but reasonable belief that she was defending herself against imminent bodily harm may be protected by the privilege of self-defense, and therefore not guilty of any criminal homicide. If her belief was unreasonable, however, she is still guilty of voluntary manslaughter, although not of murder. is incorrect because if the reasonable person would not have had held the belief, Candy is guilty of voluntary manslaughter.
30. D is correct. Persons are guilty of conspiracy to commit a particular crime when they agree to commit it. At common law, burglary is defined as breaking and entering into a dwelling at night for the purpose of committing a larceny or any felony therein. Since the agreement was to break into an office rather than a dwelling and to do so at lunchtime rather than nighttime, it was not a conspiracy to commit burglary. At common law larceny is defined as intentionally taking and carrying off the personal property of another with the intent to permanently deprive the owner of it. Since the agreement was to copy but not carry off the notes of Professor Winston, it was not a conspiracy to commit larceny.
31. B is correct. At common law, larceny is defined as intentionally taking and carrying off the personal property of another with the intent to permanently deprive the owner of it. Since Annabelle planned to return the pen to the professor in a week or two, she lacked the intent to permanently deprive him of it.
32. B is correct. Co-conspirators are vicariously liable for crimes committed by members of the conspiracy in furtherance of its goals. Since one of the goals of Jeff's and Annabelle's agreement was to avoid Winston's notice, and since Annabelle's taking of the pen was an attempt to accomplish that goal, Jeff is vicariously liable for it.
33. B is correct. Obtaining property by false pretenses is committed when, with the intent to cause the victim to transfer title to personal property, the defendant makes a fraudulent misrepresentation which causes the victim to do so. Since Kimiko told Dan that the pills were made from a secret formula which would protect him against the venom when she knew that statement to be false, and since she did so for the purpose of obtaining money from him and succeeded in doing so, she is guilty of "false pretenses."