Baby Bar‑criminal law lecture.

Taft law school.

June 9th, 2020,

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PROFESSOR: Good evening everybody. And welcome to tonight's Baby Bar mini series. First of all, I want to point out that these sessions are recorded. For your convenience, you may go back to review the lecture. Go to the website and student section, you will see the Baby Bar mini series. Everything is available at the website. I want to also point out that if you have questions, you may post them in the chat and I will be able to help you.

Criminal law. With torts and contracts, I want to make sure that you are using a checklist. Even though you will be taking the exam online, you want to have the checklist embedded to memory. That will help you in data find issues, and looking for the inner checklist, it will help you in terms of organization and set things up. That's very important to use your tools to help you in regards to organizing your examination. Example, in an exam that I was looking at today, conspiracy was at issue and call of the question was Ben. And she talked about how Ben did this and that. The true issue, the person did the actual criminal activity proved up that conduct and impeded on to Ben. So knowing your structure, you can work on that. And understand the call and how the issues come up, that's going to help you. That's going to be important.

A couple more things before I jump in, key things you need to remember. First of all, when you see a crime, you want to make sure the facts support the crime. Larceny. Break apart the element and see was it a carrying away, property of another, did that have specific intent to deprive and intent? We make the assumption at times and we are wrong. Because the elements are not satisfied. And that's how they set us up on the multiple choice questions that we won't break it apart. And you need to do that. On essay you will break it apart. There's an example of where she will return it the next day. The facts will dictate. But make sure you break apart the elements to show up you are supported. Once you show the crimes based on the facts, looks to see any applicable defenses. Self‑defense, defense of others, duress? You want to break it apart to see if it's applicable based on the facts.

The other area that's testable, is imputing liability onto to another and that is highly testable. So you want to make sure you understand that. The first checklist is called Inchoate Crimes. It deals with solicitation, attempt, and conspiracy. SAC.

With you need to do intent, make sure it's unlawful fact. Under the issue of solicitation, one, can you withdraw and there's a distinction between the common law, the majority rule no defense and model Penal Code. On the multiple choice questions, you will address and based on common law unless instructed otherwise. So they can tell you, what about model Penal Code or that's the answer choice. You do need to know the areas.

The other with solicitation, it does merge that underlining crime. The call of the question. If they state the call, what crime can Joe be convicted of, you see solicitation, burglary ‑‑ so it's going to be the burglary. But what can he be charged? He can be charged for all three but not convicted for all three because solicitation will merge. So pay attention to the call and what they are asking for.

The more you can take the Multistate, you see why this is different than this and plug it back in, you are not going to falter. It's important that you understand. You need to master and do well as to what the examiners are looking for.

The other is attempt. You need to show that you take a specific or have specific attempt, substantial step ‑‑ SLAP. The specific intent with substantial step. Look for legal versus factual possibility. They will test on the multiple choice. And students have a hard time with it which we will go over with it. And P is preparation versus perpetration.

When you do see attempt, you focus on the elements of the attempt. Specific intent, substantial step, intent ability. Not the underlining crime of rape or murder. Students will write and attempt and murder. No. You don't need to do that. But what you do need to do and keep in your mindset is for an attempted crime you need to do whatever I'm attempting to charge you with. The capability of doing the murder, based on the facts that I could have accomplish, you can charge me with attempted murder in that case.

Another area that you will test you is what factual versus legal possibility. It's not that difficult if you keep it straight. Factual possibility, the general is no defense. So what you are looking at is as the facts that the defendant knows them to be, would his actions be a crime? Example. I want to go to my neighbor, I'm upset with him and I go to shoot him, he had a heart attack and die and I shoot him on the chest. They charge me with attempted murder. But he was already dead. So the mindset, as the fact I believe them to be, would my conduct be a murder? Yes. Factual possibility is no defense.

Another example, you want to take a man's wallet but no wallet. Factual possibility, can't steal something that don't exist. But you believe the man had a wallet. Since you believe he had the wallet. So you are looking to what the belief and the mindset of the defendant.

Legal possibility. Is where you believe the act is illegal but it's not. So you see that coming up with hunting statute. Deer hunting but there's no such law. So it's legally impossible to violate because no law exists. So that's your legal impossibility. Generally you can't tell, it's no defense. So break it apart.

This is an area they will test you on. So be aware of it. Factual possibility, you should be seen on the multiple choice questions. It does come up often.

Another is attempt, can you withdraw? Model Penal Code, same thing as attempt if you voluntary and successfully abandon. Model Penal Code is consistent with experience and attempt and withdraw issues. So that does help.

If you do find attempt and then I go back past preparation perpetrate the crime and attempt merge with underlying crime. For your knowledge, what do I need to know? If I see the fact pattern that you go to rob a store. Take the $500 out of the cash registerer and you go in ‑‑ cash register. You get distracted and you leave it behind. On hypothetical on an essay, would go through the elements of larceny. Show up fails and fall back on attempt. So on an essay would do both. But sometimes not both. The facts will dictate. So underlying crime but something occurs preventing it from happening based on the facts, I would have to go through larceny and the issue in regards to attempt.

So if you start doing the act or perpetrate the underlying crime, if failed, I argue for attempt. In Multistate, I would pick which one. So you don't have to do that.

Address issues of attempt, you need to focus on the elements of attempt. Meaning approve those ‑‑ prove those up. Specific intent, step, preparation versus perpetration. The facts will dictate. Look for legal and factual possibility, because it's highly testable. And it will be on the Multistate.

Experience is the big ‑‑ conspiracy is a big one. It's an area they know we are weak on. With the conspiracy it's an agreement between two or more. An area in regards to agreement that they have been testing is it would be a unilateral agreement. What is that? So basically, we are imposing onto somebody that you and I did not agree. How does that work? One, unilateral. Such as an example would be with a police officer, I go into a bar and say I will rob the bank, will you help me? And the officer says yes. Can they charge me with a conspiracy? The officer set me up based on my conduct. That's not an agreement. But you can argue that it's a unilateral conspiracy. Another way this comes up on the Multistate, camp these three boys go to. Two knows each other. Third boy sees the two boy upset about the counselor and they will get even with him by hiding his asthma medicine. The third boy overhears it and puts it into place where they can find it and throw it away. The counselor needs his medicine and dies because he can't breathe because he doesn't have his medicine for his asthma. Can we charge that third person with a conspiracy? Yes. That's a unilateral agreement. You have to plug it in and make sure you understand how it comes up.

Another way you can have an agreement express. Agreement by conduct. More than two girls are looking at each other and one gets big grin. So based on your grin, is that enough to find an agreement. And you would find the agreement. That would be a form of an actual agreement. And you are going to know based on the facts that you need to argue harder. On essay as long as you support it with a fact. On Multistate, you got to get the right answer choice.

Another thing is they like to test is withdraw issue. People don't understand it. Listen very carefully. Once you conspire, in an agreement, two or more to commit an unlawful fact, guilty conspiracy there's no way out of it going down. If I can support based on the facts that I withdraw, the effect of the withdraw is to cut off from furtherance thereof. Cuts me off from further liability. Make sure you understand that.

Once you conspire, meet the elements, you are guilty that conspiracy, you can never withdraw and get off the hook for conspiracy. The effect if you show a proper withdraw is what? Furtherance. I can't be charged of the crime coming down based on the facts.

Withdraw, majority rule has to be effectively communicated to all coconspirators. If there's three of us and I tell you I'm not going to do it, that's not co conspirators. Model Penal Code, take steps to prevent or do something to prevent the actual criminal activity.

I can't say it again, the effect of withdraw releases you of a crime from furtherance thereof. They will test that.

If I find a conspiracy, look and see if I have to address the Pinkerters. I find each member of the conspiracy, they are going to be liable for any acts that occur within the natural probable result which are foreseeable based on that conspiracy. So they will be culpable based on that. How is that at issue? The student asks, the facts. So if Joe and Mary agreed to rob a bank and Mary waits in the car and Joe gets the money and run to the car.

So the facts are going to dictate as to what you have to do. You are going to know. Versus they both agree, let's say, toy pistol. Joe brings a real revolver and shoots the cops. It's foreseeable that he would take instrument to defend himself if something goes awry in the bank robbery. So Mary will be accountable.

Warden's rule. It takes two to take the unlawful act. I can't charge you with conspiracy. If you and I agree to duel, you can't charge me with that, it takes two. So that's rare that it does come up.

With conspiracy, never ever merges. It stands on its own. Once the conspiracy support based on the fact, it's guilty. No way around it. Withdraw cuts off furtherance liability. Anything that come down the agreement itself. Make sure you know that. They will test it. It's not a hard rule. Why don't we know it?

Another area is third party liability. Vicarious Liability. Tort. Employer/employee. Bouncer to bar. It does not come up too much. You will know based on the facts.

One example where they hired body guard to protect a brother from stealing his jewels. But it was really drugs. When somebody came up with another brother, the body guard defended and furtherance the under cover police officer. So within the scope on what his job as a body guard.

Accomplice liability is the agreement. We are basically doing unlawful act. With the accomplice liability. Somebody else can do the act, there's no agreement. No fact support conspiracy but you are responsible as an accomplice, it's foreseeable. So it's foreseeable if you commit a dangerous felony. So you are going to be accountable.

Common law, accessory before the fact, principal of first degree, principle in the second degree. You are going to see the fact pattern that Joe went to Tom, I want to rob a bank. But I am not going to participate of being there but I will give you the direction and lay it all out for you. You will be an accessory.

Accessory after the fact, after the criminal activity occurs and they try to hinder, help you to try to get arrested. You are going to be responsible for something that's foreseeable. The accessory after the fact is not responsible for anything happened prior to until they start helping you, hindering the arrest. Accessory after the fact.

There's one out there where the guy tell us the neighbor buddy there's radio coming in and picking up at the deck. And they are both story owners. The guy loads up the truck and he locked himself out of the warehouse. And he asked the buddy, can I store this in your warehouse. So is he accessory of the fact? If he knew, yes. But he believe that he picked it up, no. But if he knew, he became accessory after the fact. He is hindering with investigation. So he can be in trouble with in accessory with stolen property itself. That's how that docket works.

Murder. Murder is big. The key thing with murder. All your approach will help you. The only way to abandon your approach is based on the call of the question. Which they have done this. So pay attention to the call. If it's a specific call, he was not the cause of the death. That's a causation issue. And not murder. But the key thing you need to remember with murder, you got to look to malice and see how many ways I can support my position. Why is this important? Look to the facts if there's intent to kill. Was there intent to cause great bodily harm? Was intent ‑‑ felony murder rule? I will look at this and how to argue, based on the facts, why do I care? This will tell me how far I need to go with my approach.

I got a gun and I'm angry, that's intent to cause harm. Want to kill. And reckless conduct. So I would address all three. The reason that's important because that's going to tell me if I have to get to the issue of involuntary manslaughter. That's a jury decision. If I have intent to kill and reckless, I will not get to the involuntary manslaughter. My malice is too strong.

The other area to pay attention the murder rule. What is the felony murder rule? Death results in the perpetration of inherently dangerous felony. These are all dangerous felony. And if death does occur during those, I'm going to flea the felony murder rule. And that will show malice.

Now the facts tell you that I'm angry and upset. And I know my neighbor is coming home and he is going to normal habit, go upstairs and go to bed. I'm really mad at him. She had an affair with my husband. So I'm angry and I get a gun and shoot her. If I wait and I shoot him, do I have intent? Yes. Reckless? Yes. Can I argue the felony murder rule? This will be on the Multistate. The answer is yes. Not common law. That's burglary. I use the bullet to get in and I had the felony to kill. I have four ways to show malice in that case.

Now, another thing I want you to pay attention to. Let's say the call of the question says, Joe is guilty of murder. Use my murder approach. But let's say I'm using the felony murder rule to show the murder, such as burglary and death resulted when he was committing the burglary. You need to prove it's burglary. There's no other code comes from, commit burglary. You have to prove under the felony murder rule. It's a sub issue. You can't walk away and say commit a burglary. Your burden is up. You cannot leave without addressing it. That's a sub issue you would break apart and analyze.

Next, causation. Actual proximate cause. That does exist in murder. I don't talk about it unless the facts put it at issue. And it's foreseeable, pull the trigger you die, not a big issue. Depending on my timing. I want to go to the inner works where my points is.

First/second degree murder. So if I just prove my malice up above with felony murder rule then I would jump on first degree, says, since the killing was done, guilty first degree. I'm not going to go through every aspect of first degree. I'm not going to argue specific incident, prison, torture ‑‑ I will bring up the one I know is at issue. First we can be shown that and pull up that part of the rule. Be aware of time. Based on the facts, support it based upon the felony murder rule. Now you have a sub issue that the examiners have been testing, some of you known as the red line view. Or some special felony murder rule. What does that mean? This comes up when you see a death that wasn't not caused by the defendant's own hands. So you have a third party that did the killing. So now the issue is can we impute the defendant? The wrongdoer.

So how would we see something like that? I decide to rob a bank. Security guard stops me shoots at me and hits the customer and customer dice. They want to take his conduct and that resulted in that murder of the customer, imputed onto me. So common law, guilty. Model says, no. I'm not guilty for that. That's how it works. You have an innocent party that did the killing. That does come up.

The last time I recall being tested is the guy went into ‑‑ in regards to a bar. Bartender says, I'm not serving you more drink. Get to his gun and went to 7 Eleven and shoots the gun and hits a customer in the store. And the wheelchair guy hits pushed into the street and hit by a car. So it's to the wrongdoer who was committing the wrongful act. The killing we are trying to impute onto the defendant. That's your redline view. That's a special felony rule as some of you been taught.

In regards to your redline rule to felony murder rule. The suspect. What you are saying that it's the victim, not the suspect. If the security guard shot the defendant. You are done. With we don't have to worry about it.

The effect of redline view is impute the responsibility to someone else. Culpable for another's act. The law is saying we are not going to make you responsible based on that wrongful act.

If it's not first degree, then it's second degree, depraved heart. Once you classify and you find first or second degree, look for defenses. So self‑defense, defense of others, crime prevention, duress. Go through your checklist.

With self‑defense, one can use useful force to protect oneself and based on imminency. So be careful about that.

On the Multistate, I'm in bed with my husband and I hear the noise downstairs. Someone is breaking in again. And my husband says, let's go down the back stairs and go to neighbor's house and call the police.

No way, I'm done with this. And I take the gun and go downstairs, seeing a man and shoot him dead. He was in my home. So now I'm going to argue, self‑defense. But there was no imminency. I created that imminency. Because I had a way to leave. The law looks at human life is more valuable. You should have left. You got a duty to go out and you didn't do so. And therefore, I would be responsible, I will try to argue self‑defense for committing the killing. So you want to make sure you understand that. With self‑defense, under common law and model Penal Code, you have a duty to retreat. If I can retreat safely like the example I gave you, or I'm the wrongdoer and I have to regain back my right. So in essence, I want to defend myself, I have no right to self‑defense unless I get that right back. I have a duty to retreat to get back outside.

No duty, aggressor, you need to retreat first before you can use deadly force. That's important.

Defense of others. You are using reasonable force to protect third party. Majority rule step in shoes. Modernly grounds for reasonable mistake. If you come upon two people fighting, I will break it apart and you punch a guy in the nose, defense of others. Well, it's under cover police officer. Oops. How would I know that. So you step in shoes, the person protecting did not have a right. And obviously would have a valid defense itself.

Crime prevention. You can't use deadly force. Only unless your life is threatened, imminent, imminency. We value life over property. So make sure you understand that. If you are trying to prevent somebody from steal the Lexus, let him because you have no right to use dead lie force to prevent a crime.

Defense of property. Someone breaks into your home, and you could have left, should have. And you argue defense of property, you can't argue deadly force unless you are being threatened with imminency. It got to be evident. Seriously bodily harm, then you have a duty to defend yourself. So you want to make sure that the imminency is there.

When you do see, we went through our defenses, look for two or more if you can and argue them and break them apart basing on ‑‑ based on the facts.

Voluntary/involuntary.

Insanity is also a defense. What I want you to understand and memorize insanity. Four different jurisdiction. If you see insanity, you must do all four. The hint I can give you, the one thing these all four have in common and it has to be the basis of your mental defect. So based upon my mental defect, I don't have the ability to control myself or I believe the words, I can't ‑‑ I lack the capacity to conform to society. The facts will tell you and the issue. They have to tell you. I suffer schizophrenia. They have to tell you. I believe cartoons are reality. One might argue that's insanity. That's odd. I don't think they make it that difficult to determine. But they will know based on the facts.

You do want to know your insanity. Because you will see at least two multiple choice on it and they will test your knowledge on Black Letter Law. Combine insanity, impulse and Durham. So your language is very important with insanity. You can memorize and get correct because they will test it based on the language.

Justification is a way that if you found guilty of first or second degree, you want to mitigate it to voluntary manslaughter. We just went through murder approach, you are convicted of first or second degree. You are trying to see based on the facts, could I mitigate to voluntary manslaughter. Is there something in the fact pattern to show added provocation and that's why he did what he did. Lost of equilibrium. If I come home and see my husband having an affair, I'm angry. Get a gun and shoot the person. Malice. What's the specific intent? Now the issue would become, can I mitigate to voluntary manslaughter? Was there adequate provocation? Would a reasonable person lose their mind coming home?

Imperfect defense. Imperfect defense. So if you are trying to protect your car and you are shooting somebody. It's not self‑defense. You are going to argue crime prevention. And defense of property. But they are going to fail because you can't use deadly force to protect your property. So that's imperfect defense. So that's another way to mitigate to voluntary manslaughter.

Last issue is involuntary manslaughter. It's unintentional killing. You don't have malice. Lesser standard. Above negligence but not as high as reckless. And in regards to involuntary manslaughter. It's unintentional killing. It can be misdemeanor manslaughter rule. Any cause of death result in your involuntary manslaughter. The one area that I want you to take away from this, on the multiple choice or on the essay, they are going to say defendant guilty of manslaughter. It's your job to determine, looking for voluntary manslaughter or involuntary manslaughter? They are not going to tell you. You look for your malice. The more fact to support, intent to kill, reckless and harm ‑‑ you will know whether it's voluntary or involuntary. How do I know when it's murder in the second degree or it's involuntary manslaughter? How do I know that? And actually it's factual. I used to my husband these myself ‑‑ miss these in practice. It's based on the facts.

If I tell you and I'm excited and shoot a gun in the air. If the bullet goes up and come down, it could kill somebody. Based on the facts, since I'm in a populated area, I should not have done that. That would be murder in the second degree. If I give you the same fact, and I'm in an isolated area, then the issue would be involuntary manslaughter. Prime example on the Multistate, a guy left the bar, driving 100 miles per hour in school zone and hits a child. He left the bar. Assuming he wasn't drinking with children at school, so I will lean to involuntary manslaughter. It's factual. Look for the underlining facts to dictate. That's your murder approach. Follow the approach, that will help you in identifying the issue whether it's on the Multistate. It will also help you in setting up the essay. The only way you abandon if the call dictates otherwise. And they have done this. Where they give you a call and call 180C. All 1, causation. Call two, first degree. And call three, backed you out of malice. They want to see you understand what the call is asking. The only way you abandon your approach is based on the call of the question.

Death crime. Highly testable. PITT. I look to see what the defendant acquired. Did he get possession, interest, title, time? Possession, means he got the object, leaning towards larceny. Did you get interest? So I'm leaning towards, maybe they give you embezzlement. Title? If you got title, I'm thinking false pretenses on it.

And time? We got the doctrine that can work here as well. That work in criminal law. With larceny, look to see if all the elements are there. Do we have taking away of property of another to permanently deprive. This is the area they like to test.

Larceny by trick. How can I trick you? Well, larceny or false pretenses. Larceny by trick, how do I know that's the right answer or the other one? You obtain whatever the object is by fraud is larceny by trick. And permanently deprive that person of that object.

False pretenses. You get title. So how do I know title transfers? Prime example, I leave here tonight and go to grocery store and I go ‑‑ I want lobster. I go over counter, and I see hamburger that's cheaper. I take the price tag and put it on the lobster. I made false representation based on the price tag. I obtained by fraud. The difference is I obtained title. So once I gave that money, title transferred. So that would be false pretenses. So it's that slight. So you want to pay attention.

Another guy goes into a restaurant. And he is eating food and drinking coffee. And the waitress gives him the bill and he gives her counterfeit bill. She took it and pay the bill. So that's larceny by trick. So look at the title itself.

Embezzlement. Entrusted. Make sure you understand based on the intent doctrine.

Robbery is with force intimidation. Make sure force fear emendation is there. A guy is going to slash the purse on the back of the bicycle. When I snatched it, I'm behind you. He gets his foot ‑‑ did he obtain that by force, fear, or intimidation? He got his foot stuck and then snatch the purse.

So again, the little nuances is what they will test you. So make sure you are right on it.

Receiving of stolen property. That comes up on the essay. The key thing there is you have to have is subjective knowledge. So if you give me something it's stolen but I don't know. This is a rare crime where it's subjective. So you look to your mindset. Did you know it was stolen. If it's no, I'm off the hook.

Burglary, larceny.

Testable.

Burglary, common law first. And then modern law.

With common law. Dwelling house. The other area they like to test, you have to have specific intent to commit a felony at the time of entry. If you form the intent later, no burglary. If I break into your house to shelter from a storm, nighttime, it's your dwelling house, but my intent was to get out of the storm. Once in there I decide, look at the money and take it, that's larceny. You can't charge burglary because I didn't have the intent at the time of entry.

If I break in to steal your property. I have intent and take your property, so that's burglary and larceny. The key thing to remember is you have to have the specific intent at the time of the entry. That's what they are going to test.

Some other questions they like to test, going through chimney, instrumentality. If I use crowbar to up the window to get in, that's type of break in because you used instrumentality to get in.

The key thing is I can't stress enough, you must have the intent at the time of entry.

Modern law, entry into any structure. If you go into a store to steal with the intent, and I can prove it, you can be charged with burglary. If you go to Nordstrom, pick up a shirt. So I can show you had intent at entry.

Common law fails, go to modern law. If common law succeeds, you are done.

Arson is good for Multistate. Malice burning of the house of another. Dwelling of another. It can't be your own house. So you want to be careful about that. I can't hire somebody to burn my own house. In regards to maliciousness, in Multistate, we have gas lantern. And knocked it over and I run away. That's not arson. It doesn't meet the malicious standard. So know what malicious mean. Was there actual burning versus trying. If I tell you the walls were blackened and furniture burnt to crisp. So the facts will dictate.

Common law arson and modern law. It's a structure. Shed. Garage, store. That can be dwelling versus dwelling house of another.

Other crimes that you do need to be aware of, kidnapping, rape, statutory rape. These come up more. Once in a while they come up in essay. Racehorse, there's a lot there. I do need to address it.

Kidnapping, unlawful transportation of another. Know your common law.

False imprisonment. You need to have intent, unlawful confinement.

The assault is the creation of imminent app hangs. Rape, sexual without consent. Look at the objective matter.

Statutory rape it's statutory. I thought she was older. It does not matter. Set by statute and no way around it.

Attempted statutory rape. I'm looking to the element of attempt.

With attempt, be careful and don't look for the sub issues, because that changes the mens rea. Specific intent. Focus on the rape and go to general intent. And you will pick the wrong issue because you are thinking the general intent versus specific intent. Intoxication is specific intent but not general intent. So be aware of it.

Other defenses. Mistake of fact, mistake of law.

Mistake of fact is like factual possibility. As the fact the defendant believe them to be, would that be a crime? Yes. Sorry. No defense.

No defense, unless you show reliance.

Duress, look to the imminency. It has to be imminent threat and not future. And it has to be you or close family member.

The girl dawn was in love with her cat and her boyfriend threatened that cat. Bring up the issue of duress but point out it's not close family member even though some people think so. I would bring it up because why would they give you the facts.

No defense to murder. There's one out there, a man guy because he can't get into a bar. So he goes and gets one of the patrons that came out and gives the bomb and throw in it. If you don't do it, I will shoot you dead. So he does and explode. So charge with murder. Did he have intent to kill? Great bodily harm? He had no choice. Felony murder rule. So I can use that arson. Because burning ‑‑ the building burned down. Can I use duress as a defense to arson? Yes. So that means I can't show arson, I'm not guilty of murder. Defense is not to murder but defense to other crimes. So felony murder rules and have a valid defense of duress to negate the felony murder rule, that's your defense.

Consent, willingness of the act, you will know based on the facts.

Entrapment. If you do see, you got your predisposition. Subjective. Look for the defendant's mindset. And objective standard, police activity. If you see this, you don't know which jurisdiction. Predisposition, look for the facts. Prior criminal history. Most likely predisposed. Objective police activity, what do I look at? Look at what the police did. Would a reasonable person succumb based on the police is doing.

Diminished capacity. When I go through my insanity defenses, I always throw in diminished capacity as well. What you are looking at is your capacity is so diminished you lack mens rea. You don't know what you are doing. The guy has been drinking all day and buys more alcohol and rob. They didn't realize. I would argue based on the fact.

A couple of other things is what happens on the example if they give you a statue. Murder is killing of a human being with expressed malice based on words or expressed malice based on conduct. Implied malice, you got to use the statue. What's the mens rea and actus reus. When we do see statute, you can't ignore them. You got to break it apart. And based on that statute determine what is the actus reus and what's the menace rheas. You got to look for it.

Call of the question. If the call says, should they be convicted of a murder or lesser included offense, what does that mean? Assault, battery. No. What that means basing on the examiners calls is that's your hint to look for voluntary involuntary manslaughter.

Even though that's more of a generic call. Murder, but it didn't tell me specific what's at issue. Based on what they are saying, any lesser included offense, I need to look for voluntary/involuntary.

Another issue, look for general call and specific call. Why? A general call, theory is what liability, generic. I'm going to get points on my issue by what I'm seeing. But if it's specific call, my point value comes down only to my analysis and that means I got to see what element or elements they put at issue based on the facts. A specific call can Jimmy be charged with burglary or robbery? You must discussed the burglary, if it seeds, common law and then modern law and robbery, and then facts for that. You have to do both. These are specific call. Somebody at that is at issue. Is there a valid defense? Minor? What's going on here? There's got to be something there being tested and you are going to know based on the facts. So that's important.

The key thing for you to run the facts through the elements to make sure it's supported based on the fact. Don't just say there's a crime there.

Any questions? So that's your crimes in a nutshell. Now you have torts, contract, criminal. You should be practicing everyday. 2 weeks out. It's going to be here before you know it. I hope you are practicing.

As I indicated to you, I hope you are practicing doing it on the computer. In Multistate, I have drafted some. Shoot me an e‑mail if you want some more. 30 torts, 30 contracts. For you to look at and doing them on the computer. If you want some more or not enough, shoot me an e‑mail. I believe sets. And I have simulated if you want it. I need you to get on that mindset.

You will be sent e‑mail on criminal law. Write it. And if you want me to look at Baby Bar, I will. Getting expose to the issues come up and articulated back to the examiner, everything will help you succeed.

Any questions at this point?

If anything does come up, please shoot me an e‑mail, I'll be more than happy to help you.

I wish you all a good night.

(Event adjourned at 7:00 p.m.)