TAFT

BABY BAR

October 14,2020

Good even everybody. Welcome to tonight class Baby Bar minute series. We'll be starting in 15 minutes. Thank you.

A testing. Baby bar. Starts at 6:00 p.m. Good evening everybody. Welcome to the baby bar series. We'll be starting in approximately 5 minutes. We start in approximately 2 minutes.

We'll be starting approximately in 1 minute.

Good evening. Welcome to the baby bar series. Our prime focus will be on critical law. And how it's tested on the baby bar. We're not going to focus on the black litter law. But kind of give you an example of certain thing that is arise and you should know before you fake the exam. These are records so for your convenience you can go to Taft's website. Log into student section and go to baby bash series.

The first thing that we talked about in the past is checklist. Now I want to make sure you have checklists. You should have them for torts and many these are going to help you in two ways with identifying see issues. So you don't leave anything out. And how to set up your examinations. That's very important for your enter checklist that's how you're going to lay things out. People have a tendency to do that and they don't understand what you're trying to communicate.

Now a couple of things that I do want you to with criminal law. I first of all when you see it being tested. Number one that should tell you if it's criminal law vs. Torts. I want you to look to the facts and see do the facts support the crime.

We have a tendency to say did Joe commit larceny. Yeah he did. I want you to break apart those elements. And ‑‑ taking. That he had the specific intent to deprive. I want you to look to the facts. And if you do find that we do have a crime is there applicable defense.

Now remember I told you in the past defenses can mean two defenses or it can be counter arguments. Such as I was only pretending. Or it was my ownership of the priority. Why don't yo go ahead and steel it. I own the property so how could you own charge we with larceny. Then look to a big issue that comes up a lot on the baby bar. Can we impute liability of someone else's conduct and, obviously ‑‑ conspiracy. So you do want to ask yourself. And of course are we imputing conduct of a party on to another.

So you do want to look at that. Remember if you do have any questions just post them in the chat. I'm be happy to help in anyway we can. Inchoate crimes. You should know these. These are solicitation. Attempt to conspiracy. It's enticing another to with this specific intent. That's not a hard definition. What they're going to test is do you understand the issues such as can you withdrawal. But under the Penal Code you can. If you completely abandon it. And republic remember a student asked earlier today. Your response for common law as well as the Penal Code.

On the multiple choice questions you're going to answer in to common law. On an essay you can do both. Answer to model Penal Code you can give both. If you do know both. Definitely give them the common law. And that will give you some points, but again on the multiple choice questions common law they dictate otherwise.

Now the other request. Can solicitation merge. Right it does merge into the underlying offense. The one thing I want to make aware to you is calls to the questions. What crimes can the defendant be charged well I would list a says it takes. So on a multilet's say it ‑‑ you know the conspiracy never merges. It says what can he be charged with. Not convicted. So you want to pay attention to your call. Because in that case you would want to list them all and, then what ever we decide at trial of what he's going to be convicted of. Attempt is another testable issue. You need to show that you have the specific intent to commit the attempt. You took a substantial step. You have the apparent liability and, you want to look at perp ration vs. Perpetration.

I want you to think of with attempt on an essay we focus on what? We focus on in regards to the attempt itself and the elementings and prove of the underlying elements of attempt. But the trick is on the multiple choice questions you've got to the look to the facts and make sure the person had the about to commit the underlying act.

Let's say it was an attempted robly. And yet the facts tell you he's incarcerated. So if we're charging them with attempt. That's a problem. And attempt won't work.

If I just went flu the elements only you do look to the you should lying crime and make sure they have the apparent ability to commit crime.

But when you write it an an essay you're only focusing on elements. S you do not prove the underlying crime. Okay? But you do look at it. For DMBs, that's a trick because they know we don't do it. And then of course you really can commit the act.

Remember with attempt there is a defense. Legal vs. Factual possibility. Students have a hard time with this. Let's look at factual impossibility. Generally it's no defense. Okay? What you're doing with factual impossibility is you're looking at the facts as the defendant believed them to be in his acts based on his facts wouldn't be a crime.

Does that make sense? So as the facts believes them to be. Let's say I'm in a restaurant and I put down my let's restaurant and you put yourself down. And I come back. Could you charge me with the attempt. Where as the facts I believe I thought it was mine so you couldn't charge me with the crime of attempt. Factual impossibility. Would be a defense. Purchase the defendant believes the act is illegal. But it's not. And I usually give the only example of hunting. You need a hunting listens. But you uh feel that it's not rabbit or deer season. And it's legally impossible because because that's it's hunting season.

Do you know what sections you are taking or do you have to figure that out in the question. Unfortunately you have to figure it out. On the baby bar you will have 10 multiple choice questions. And I tell you very importantly look to the call of the question.

I can't really trick you if you look to the call. N the exam they're quite generous with the names they give you, was the death guilty. Well in regards to the death it's a critical law question. If you read the call that should narrow it down. And what I want you to pay attention to is it a tort question or a criminal law question. And they will butt put that in the answer choice. If it was a tort question but it's not.

So you do need to pay attention.

Is that important you do need to pay attention. On the essay same thing they don't tell you. The questions will be one, two, three, and four. Since you're doing it online you'll be doing it in four sections. So you'll have instructions and question one and we will not tell you the subject matter. Then you take a break. Log back on and then have instructions that you read and then you see question two they will not tell you the subject matter.

But again look to the call. The call always give it away. So you have torts, contracts and criminal law. It has to who suing. The prosecutor. The people. The state. They can't hide that from me.

Obviously it's a tort or a contract. I should know if a contract was being ‑‑ if you are I could recommend down loading some questions. And issue spot them then go look at the answers. If you look at the bar exams website. Once you print up the questions they don't tell you either. You want to be sure footed.

Now uh with attempt the things you want you do want to make sure in regards to is does it merge? Yes it does. So remember when you go through attempt I want to make sure you know you're going through the elements not the underlying crime. Even though you're going to look and make sure I had the ability to do the underlying crime and, they test that in regards too multiple choice questions.

So if you're talking about example fie. You will not know the subject matter. The only time you know the subject matter is in law school school and, if you're taking a contract final. It generally doesn't say it on the question. It says question one or two. In law school they're going to test you on the subject matter you're taking. Baby bash they're not going to tell you.

The next basic issue that you need to be aware of is conspiracy. 99.9%. This is tested so I don't know students don't know it. It's a very testable concept. They don't understand it. It's testable in the multibillion choice questions. Testable there the essays. Now with conspiracy you need an agreement. And the area they're going to test is what is an agreement. You uh can have an agreement by conduct. A test it agreements or unilateral agreements. A unilateral agreement is basically where a place man is at a bar and, you try to solicit him to do a crime with you.

Or these two boys were mad at a camp counselor so they steel his inhaler. And another boy over heres it and he goes without them knowing and puts it in an observe place so they know where to take it from. That would be the third party. That would be a unilateral agreement. So they do test that and you want to be aware of it. Now the other key thick that they like too test is withdrawal. And the effects of the withdrawal. And students don't understand with the withdrawal. Once you commit a conspiracy. Sorry you're guilty.

The only effects the withdrawal has for or the conspiracy cuts off further answer there of. It cuts off future critical acts. So once the conspiracy transpires you're always going down for the conspiracy but it can cut off liability farther down the line.

And another test theory is Pinkerton's rule. We agree to commit a conspiracy like robs a bank. But go do a different crime.

Mary and Joe decide to rob a bank. So they go and scope out the bank and they decide we'll go meet on main street and rob it. Mary is arrested for an outstanding warrant for unpaid parking tickets. Joe shows up and Mary isn't there. And goes further ahead and robs that bank police arrest him and learn about the story. And now they're charging Mary with the robbery. Wait a minute I was in jail. But based on the conspiracy anything in furtherance of the ‑‑ everyone though she didn't do the acts. Again the purpose is to punish the mental state. So everyone though she wasn't there and couldn't be there she still would be there. Her withdrawal wasn't effective. She got arrested. She didn't effectively communicate to Joe that she wasn't going to be there.

So I want to make sure that you understand that. Because that's highly testable. The other area they like to test is you and I agree to rob a bank with squirt guns low and behold ou show up with squirt guns, can that murderer be imputed upon to me. Well wait a minute our agreement was squirt guns however under pinker ton's when you commit a bank robbery that's a pretty dangerous offense.

So a death or somebody being severely foreseeable so I will be charged and found accountable under the pink tons rule for that.

It's a very important concept. And it's tested all the time.

The other one is war ton rules. What it means it takes two people to do the act. Like dueling. It took two of us to do the dual I've never seen it on an essay. And you'll be lucky if you see it on any multiple choice question.

Inchoate crimes they are highly testable. And make sure you break them apart. They will be on the multiple choice questions and they come up all the time on the essays.

Another area is third party liability. Remember like employer employee relationship they can be responsible for for like a bouncer in a bar. You could be responsible for his actions. Accomplice liability. With accomplice liability that's one that aids and abets. They do like to test this because people don't understand the concept. What does it mean to aid and abet.

If there's a fight and everybody is gathering around and looking at it. And yeah yeah yeah whatever. Is that okay. Can I do that. Well as long as I'm not shouting words of encourage. Or give you on instrument to use. But if I shout words of encourage. Or I give you instrumentality like a I'm an accomplice now.

So there's one of the multistates that people don't like. The neighbor goes next door to rape the neighbor and the wife is going yeah yeah yeah kill her.

They do break it apart at common law after the fact. [READING]. Principle in the first degree. And prince in the second degree. And access after the fact. If someone is planning out activity for you. And they're not going to be a participate. Unless they want to talk about accessory before the fact of.

Vs. Hindering your arrest. That's an accessory after the fact. Those are important as to imputing liability on me. I'm an accessory barf the act anything you do after I can be accountable for.

And it's at that point where I joined in. So if I'm trying to hinder your arrest. I would be accessory after the fact. And you can ‑‑ charge me for that point on. Nothing previous. And then of course as an accomplice it's very similar to conspiracy but there's no agreement. We don't argue pinker tons. Is it foreseeable based on your own actions that this could occur. And if it is foreseeable guess what you're going to be accountable as an accomplice itself.

The one thing I want you to understand is would I ever talk about accomplice and conspiracy it's vary. If you see facts support an argument why you can charge me and convict and give jail time for that conspiracy. An accomplice you can want. I'm an accomplice but you're charging me with murder.

It's not an independent crime that stands on it's own.

I get already jail time because I'm also going to get you for the underlying crime itself.

Murderer. Murderer was just tested on the last baby bar. Which we will be going over. It came up two ways. The general rule and the red line view and it it is an area they have been testing and I think that's because the students don't understand it.

Murderer you have to show malice a fore thought. What I want you to understand with the intent to kill. Intents to cause greats bodily harm wan recks Liz felon murder rule how many ways can you prove malice. So grab on to the one you think is observe and leave. Look to the facts and see what you can argue.

So prime example is that the man comes home sick from work and sees his wife having an affair. He goes and buys a gun and goes to the where the person lives and says why did you have an affair and shoots him dead. Is there an intent. Sure. He bought the gun. He did have the intention to cause great bodily injury? Wanton and reckless conducts? Absolutely. Felon murder rule? Under the facts they gave you no.

So I can have three ways to show malice. Let's say I change the facts on you. Same facts but I buy the gun go to the house, see you sitting in the living room and shoot through the window.

Intent to kill yes intents to cause great bodily injury sure. Wanton reckless, absolutely. Felon murder rule. Uh‑huh. Bring up modern law. So if you go through burglary your instrumentality is the bullet. So we find ourselves guilty through the burglary. So again look to the facts and see how many ways to show malice a you can support. Because that's worth point value. Now the key thing here in regards to murderer right you want to look to malice a fore thought. Do we have are in regards to first degree or second degree.

What the law says is that the death results during the perpetration of inherently dangerous felon. We've got you. So burglary arson. Rape. Rape kidnapping robbery may memo. Those would work.

Take note of this works too. Any attempt of an inherently dangerous felon. 7 that will support the results of the felon murderer rule as well. And again they don't flow that. A we test it and we miss it. I want you to write that down because it was very testable.

Same thing you learned in torts. So but for shooting a ‑‑ with result.

But the one thing I want you to understand with caution cause Asian. Look to the facts if the facts don't really put an example. For example I gave you shooting a gun at someone. So if it's a timing problem. Causation and go to first degree. That's why it's important to practice and get your timing down because you'll know your limits. Because I would hate to run out of time. And get to first screen and times up. And I'm going to be upset with myself. And there's defenses and issues I need to get through. With first degree murder. Poison bomb read.

Again make sure to look to see how they test. I think the specific intent premeditation is pretty forward. What about poison bomb ambush or a torture. What about the time when the ‑‑ poison. Argue as poison. They have another one where these gang bangers hid in the graveyard to get back at their fellow gang bangers because they killed one of their buddies. Ambush. So you'll know based on the facts. And then of course your felon murder roll. Now you see previously I just addressed the issue of murder. With mall littles. Intent the kill. Intent to cause ‑‑ if the call which we're going to see when we go over that June exam. That call basically leads me to believe can he be guilty of murder? If you're using the felon murder rule do I have it under or if it's asking what crimes can he be convicted of I can say ‑‑ and address that separately.

But you do have to prove the underlying felon in order to use it to convict him in using the malice in the first degree.

So if I prove it up under ‑‑ burglary under the felon ‑‑ so I it so I don't spend a lot of time on it.

If it's not first degree it's second degree.

If you find that you're convicting me of Master's degree murder or I want you to look for your defenses. Now are use using self defense, you can use reasonable force to protect yourself. You can use deadly force if your life is being threatened: Remember a you do. Yeah you do. There's one a wife downstairs. And the wife says let's go down the back stairs. And the husband says no and there's a gentleman going there thank you refer and turns around. And looks like a gun to him. And it it's a banana. Of course the call is can le be found guilty the answer is yes. This is my home. But you had a way to retreat and you didn't take it. So arguing the self defense it's not going to work. Remember you can't use deadly force. Unless your own life is being threatened. A banana. So these are going to test these nuances. That doesn't seem fair too bad. Someone is trying to steel your roll ex. Or Lexus. Too bad you cannot use deadly force. The law puts life up to the highest vs. Property. The only way around it is if your life is being threatened and you have no way of retreating.

Defense of others, again reasonable force. Majority rule. If you step on the shoes. That you ‑‑ had the right to be defendants. How this usually comes with a police officer under cover is arresting somebody who's screaming and yelling and saying get away from me. And you come on the screen and he's say he's doing something to this person. You're there trouble. No defense for you. That's why they're allowing reasonable. When a reasonable person upon seen. Could believe the reasonable circumstantial that uh you did. And you have a reasonable defense itself. And that's because they want to get people involved. Crime prevention. Again. Nondeadly force. Modern force view you can use deadly force again. So you're being has to be threatened. Division of property. Nondeadly force. Unless your body is being threatened. And then it escalates. So when you do see it was defenses. We went through self defense. Defense of property. Defense. Defenses two or more. It's rare you'll see one on an essay. So I want you to look two or more.

Intoxication infancy. Oriented. You could see it once in a while when he's been drinking or or heavily drinking. There's one question they raise there regards do the ‑‑ woman's the cause for defense. Right so they rape her and they leave. What other defenses can you argue. When you see voluntary intoxication the other argument you can rails is diminished capacity. Obviously you're aware what you did diminished capacity is going to work either. I got to look at the actual call.

Your infancy is 0 to six. And then 14 charged as an adult. And that would be more multistate oriented but just through it. So if you're 5 years old the presumption is it couldn't fit the crime. So the prosecution it is burden so rebut that presumption. And not the defense. Insanity. Insanity will be on your states. You need to know them. This is one area I tell you can do well if you know your rules. They're going to take things you're going to put them together. And if you don't know your rules you'll pick the bronchi language rules. The one thing number one. If you see insanity on an essay. You need to talk about all four.

Because you don't know what jurisdiction. So on the multiple choice you have to break it apart. The only one thing they all have in common it has to be due to your mental defect. Your brain. Your metal defect. Vs. Like the model Penal Code. You lack substantial capacity to perform. I can have the capacity to inform. Just I just can't do it.

Vs. The Mc now ton rule. I know what's right or wrong but my impulses make I me do it. You need to make pay attention to what they're focusing on and break its apart.

I've seen it once. On an essay. If you do see its. All four jurisdictions you need to go. And the last test 7 years ago where a men picked up a hitchhiker and forced the hitchhiker to take the drugs, and he had delusions. And be you're going to say did he go insane based on the facts. They will dell you that you have mental defect. You're delusional. You have an IQ of a two‑year‑old. They can't hide you. And that's probably why it doesn't come up on the essay. If they tell you I'm having delusions. There's a problem and you'll know based on the fact 9s.

Justifications. Where you can mitigate Voltaire manslaughter. One you have to have adequate provision. And un‑2369 time to cool and loss of mental equilibrium.

Carries they want to it's words. Say anything I want about you. Hate you or say horrible things about your wife and husband. Words aren't enough. You need action. If you go out and your friend says your wife is having an affair about right now. And that I can malls you angry and you find out he's lying sorry. Words enough are not enough the other thing I want you to be aware of is I put imperfect defense. Most courses will tell you imperfect self defense.

If you claim a defense a and it's imperfect you as long as you had good faith you can use that. So if I felt like the where the guy is being burglarized and ended up killing the guy that was burglar rising. Both of those are going fail. So since they're both going to fail we can argue imperfect file murder to two to voluntary manslaughter. So on imperfect defense will mitigate manslaughter. So again a couple areas hue how they test. Words alone are not sufficient. You're inadequate in words of time to cool off. And sometimes they actually tells its on an essay. So again the example that I gave you you're assault assaulting his wife. He's sick. And and then goes out and knocks on the door and has argument and shooting him dead dead. There's two issues. One he went home. A man would be that provoked. But you had sufficient time to sleep it off.

Then when you went to him and he denied it was that adequate provocation. That's the problem. You need more than that. You need some actions. So words alone are not sufficient. But you would bring up both. Observe lip if it's not murder involuntary. How do I know when I have to address involuntary manslaughter. I don't want to talk about it unless I have to.

You're going to go back to your malice. Wanton and reckless conduct only you will always get to involuntary manslaughter. If malice is based on intent to kill. You'll never get to involuntary manslaughter.  ‑‑ and a felon murder rule will modernize I might have to get to involuntary manslaughter. And that's why we play around w these. And then again I have ‑‑ I'm safe I don't have to go through it.

So you do have to understand when you have to address the issue. Vs. I'm safe I don't have to go that far. And that will will come with practice of the exams you expose yourself to.

Theft crimes. I have a pneumonic there called PITT. I ask miles did you obtain position, interest title and time. Guess what? Transferred intent works. Yes id it does. So in essence when I borrow something I can be charged with larceny. Say what? I couldn't think so because you didn't have the at the time. So position, interest title time. Larceny is rule or so make sure you got it. You with larceny it's position. M larceny by trick. You make a representation based on fraud. False pretenses, there is where you get title. But we want to you to it can't be future. That's an. We like to test baa because they don't know it.

I guarantee you herb win the lottery tomorrow. That's future. It has to be a past or existing fact. Embezzle. . So you had to be entrusted wit.

So employer gives it to take the bank. And I do want you to be aware of transferred intent. You should see there the facts like a prime example for larceny I go out to lunch with my boss and we're having lunch and he goes out to goo to wrist restaurant. And hi drops his watch watch. And I take it. And I think that's not really right. After I think I'm going to take it and I change my mind and I give him back the watch. Have I committed a crime. Yes. Even though it was 30 seconds I had the specific intent to permanently deprive him of the watch. This is how they're going to test. Let's say after tonights lek which you were. I decide lobster would be nice for dinner. Look at my wallet and that's so I go in the store and I see they have prepackaged lob tails. And sigh.

Put it off the ‑‑ and the answer is yes. And I just committed false pretenses. Because when I tended the money to the  ‑‑ I just committed false pretenses. So these are little nuances that they're going to test you on. And you need to know it. So again the more you practice. I get thousand they how they test. So I always go back to your check lives and plug it in. Sol checklist and say this is one that transferred the you'll remember it. And review it every once in a while. And you won't miss it. And again even though it's different fact pattern the cob concepts it's the same way. And that concept will come back and obviously support that concept will be supported based on the facts. And you'll get the best answer in that case. Robbery remember robbery is just like larceny.

You'll know the distinction between them. And you have receiving stolen property. Receiving stolen property. You have to have knowledge of property stolen. So if you go down an ally. Dark at night. And a guy is in a van and hey you want to buy a TV. You have no clue. You don't know it's stolen. It's a subjective test. Not objective. Like most of us want to get the hint. Under the circumstances, but it's subjective. Which is an odd crime. But it does come up every once in a while. Those are what we call your theft crimes. Burglary and addresses son are big. You need to know it. Burglary. You ‑‑ gain access to the prim sis. That would be a break in. And then specific intent that's one 8. You have to have the intent at the time of entry.

Here's the fact pattern out here. Goes out there. He sees a cabin. Sits in there. And takes some wood. Getting warm and toasty and sees a hundred dollar bill on the test. And takes it and leaves. Has she committed a burglary. Because she didn't have the specific to commit the felon.

You have to pay attention to that. So the intent must exist. It's an issue.

Modern law ‑‑ so in essence a store that's open the public if you enter with the intent to steal. That's what people don't realize if you take something from a department they do charge you with a felon.

They get you for the burglary. Plus your a felon now. And it takes away a lot of your rights. And that's important again with going through the elements. And breaking it apart. Arson they're going to test you on this in mull states. So the facts will tell you that Susie goes to her lawyer. And says I have no money I want to burn down own home can I be charged or w arson. But it's a dwelling house of another. She can be charged with insurance fraud. If she puts in a claim but she can been knot be charged with the or arson charge.

The other thing in regards to arson you want to make sure is it charring vs. Blackening. Because you need some burning of the structure. What's that mean. Charring is burning. But the it's blackening. No it's not. And a lot of times they might tell you the curtains are burnt to a crisp. And they have a little bit of browning on the walls. The structure wasn't burnt so there would be no larceny in that case.

Other crimes to watch out for. Very rare they pop up an on an essay. You have your kidnapping. False imprisonment. Assault. Battery. Rape. And statutory rape. Generally when you see kidnapping you're ‑‑ assault and battery I want I want you pay attention assault is imminent apprehension and the intent to accomplish another crime.

The terms are a little bit there a tort. It's not the ‑‑ it's the unlawful application of force. So I want you to pay attention to that because sometimes we'll ‑‑ scratch paper. What the baby bar has for you guys is called virtual scratch paper so it's like a blank piece paper document that you on your computer itself.

So you don't have physical paper to write on. You won't have the physical multiple choice questions either. You will have them on the screen. And that's why we have to train ours a little bit differently. And our tools, which is tomorrow. Tomorrow we'll be going over how to do an essay online. That's my second lecture on that. You can be log in at the same time. We will be going over how to take an essay exam online. Because it's very different. And everything is on the exam. I don't have anything to circle mark up. It's very frustrating so there's certain shortcuts that I teach you to do. So you will not these issues and you wouldn't Goth do make sure we read the examination properly. Be care. With your rape. You can have rape or attempted rape. If I ask you what is the mince reus of attempted rape what are you going to absolutely.

Well the mens rea is super intent. Vs. Rape is general intent. So they're going to try to trick you and not nice but that's what the examiner going to do. So I go 9 to be on. And that's why I focus in and say break apart the elements and make sure the facts are supportive. Because they're going going to play with that. And again if one is lacking it's lacking. So regards to the mens rea. Every crime has mens rea. So it's usually in the rule of law. What is the mens rea of a different rape. Specific attempt because you're have us can causing on the intent not the underlying crime of rape. They know we're focus on the attempt and pick if wrong answer choice. Will voluntary intoxication get you off for intent but not for rape. So make sure we understand it.

Okay, remember statutory rape is set by statute. There's no way around it. If you do it you do it.

Defenses. So defenses you have your mistake of fact and mistake of law. The nice thick about two concepts. Mistake a fact again as the facts you intend them to be. That's why in torts if you notice they give you give you a fact pat herb of a lady takes a ball loam thinking it's hers but it can she be convicted of a crime? No. The facts she believed them ‑‑ can she be liable for an authority. Yes. Trespassing or conversion. Different standard isn't it.

Makes sense.

Mistake of law. General no defense. Unless you have an alliance like the attorney advice.

Duress. Remember it's no defense to murder or by you look at the 'em Nancy of the threat. And boy nowadays the way people with love their pets but her name was dawn and her boyfriend threatened to kill her cat. This cat was important to her so I would argue obviously on the essay. Not her how you want to conclude but the way people care for their animals nowadays. It is a close family member. But it's no defense to murder. And you have to have the 'em Nancy there. And consent. Obviously the willingness of the attempt. And entrap. You are for the entrap. . Your mind. So did you have the tools to commit the act. So if I was a previous burglar and you're trying to get me again for burglary. Vs. Objective. The objective test is looking to the police activity. How that works is based on the conduct of the police officers would a reasonable person suck sum. Cum. They kept bothering this gentlemen and going to his door try together sell him child pornography. And finally he was arrested. And obviously his attorney wanted them to stop. Why are you coming. And he thought if he bought it they would stop. And if you do see entrap. On the exam you'll know bailed on the facts. Yo have you to do both views. Disposition and objective.

Diminished capacity. That goes with your insanities. Or intoxication. That's another defense you could you describe bring up very easily.

So that's your criminal law there a nutshell but a couple of things immaterial you to understand. What if you get a fact pattern and they give you a statute defining malice or murder what are you going to do? You've got to follow the statute. So the key thing is to break apart ask yourself the and it's going to be in that language of the statute. Ha charge me based on that statute.

The other thing I want you to baa be aware of is the call of the question. Should they be what's that mean. Well that means murder. And that means any lesser included offense which would be voluntary and involuntary manslaughter. It does not mean murder if it says murder. That means I'm looking for voluntary and involuntary man lawsuits. In request to  ‑‑ can Johnny be a charged with robbery. Those are specific. Pay attention to those. They're not as easy as people think. That means there's an element and elements or defenses being tested here. So you need to go in and look at it. Because monomial saw the burglary. Everybody. How many people saw the robbery. So that means there's to be something special about it. Or there's a defense. I've got to go look based on the defense.

Because if I just go through burglary and see find it works probably made a mistake. That's not good. So you do always want to pay attention to at that t call of of the question. Probably the more ‑‑ it's probably more of a racehorse. So it's got a lot of crimes that you have to talk about. Vs. Thing that you have to look at. And that's important for or you to know the distinctions. And the reason being is timing. And you got to it on your computer.

How much time do I really have to occupant line an exam. And hopefully 15‑20 minutes will probably be the minimum. You can't do it 5 minutes ten minutes. This is something you need to start practicing. And obviously start practicing to get that timing down. I promise you this. That will be the fastest how were you've ever seen. It will go really quickly so you need to be prepares. Any questions about what we went over? Remember criminal law is a good section but don't mess it up with torts. Property is heart harder than ‑‑ why? And that's because people don't pay attention to the call. It's kind of unheard of. So you'll like ‑‑ 12 out of of 33. And that tells me they're probably answering according to to torts. So I want you to have those answers, immaterial to make sure you pay attention. If that's something you do want to PowerPoint can you shoot me an email. And I will send that to you. Because observe lip I don't want to forget.. just sent me an invoice.

And I'll be happy at this point we've covered torts and contracts and now criminal law. So now we're getting closer to the law. Obviously get your law down. You can't wait until I don't know enough law. I don't have everything memorized. No. Start taking exams. I hope you've been doing multistates. That's going to be make you stronger so just reading my Gilbert's that's not going to help me. I need to start seeing how they test. If you need something particular shoot me an email. Send it out to you.. tell me. I'll send it if I got it.

But the exams you can suppose yourself to get and understood how they test your concepts. And you'll see on this last baby bar. The number if you were was torts that was an odd duck and people did not go do well on that one because they didn't understand. But once we take a step back and look at it you guys are going to stay it wasn't that bad. If you paid attention and followed the set up. You should having pinged up the two murder. As to a good site to take multiple practice choice. I know people have bought adapt a bar. They have baby bar and you do multistates on line. I don't know if that's $300 or what the their process is but I know that course that people are taking. I have 1200 if you want to shoot me an email. That students share with me. Explain why one is better than the other. So a lot of people do say that it's really good for the multistates. That's how you're taking this test. I don't like it myself. To take it on the computer.

Not multistates. But adapt a bar will get you conformed to it because you have have to ‑‑ they're primarily note tis for MBEs not essays. Maybe they're throwing more in there to get more people to if there's one you're looking at. I write answers for all of them. Shoot me an email and say do you have the 2019. October. I probably do spell where and I can send it to you. Because the more I can get you to focus on a model remember it's a model. But it gives you direction. What we need to get in there. It doesn't have to be perfect. And so this is what I recommend. Obviously look at models. I want you to strive for hi vs. Low. But then when I started feeling down on myself go read that student answer. I don't want to start at that level.

If I falter that's okay. There will be your morale back up. And saying boy they are really stinky they're rooms are not good. They're organization is term terrible. And you're going to see that everyone from the last baby bar. The answers just came out actually. Mine are written and I of course go back and see did they talk about something I did. The main difference between mine and private nuisance. Or I didn't argue private nuisance. I argued abate. . I think you've have gotten credit doing it the students way. All right. Is there any other questions. Please, please please. There is the a tough test. Guys. I wouldn't. Glad I didn't have to take it.

To be on honest with you. I do need now you to take its seriously. Start herb practicing the multiple choice questions. Because yo have to strive the 7580 going there because if you're at 620 going in there I can garb tie you're not going to make it. What were you're doing anon the multiscores now. You've got to get the score up. So if I can get to 7075 I've got a good chance. So that's very important. Okay that's good to annoy. So adapt a bar actually takes like a payment plan. That's good to know. I also believe that it campaign pairs you to other people that are taking the exam. Now I know they tyke did this for the bar. I'm not sure if they did this the baby bar.

I'm not so far behind for other people. That there will students that are taking the exam. All right. Anything comes up please let me know. Look for the email on Friday we'll be some multistates for you to do. Right‑hand turn difficult Napoleon like a five out of ten. So we need to up the anti. All right. Any anything comes up please feel free to email me.

At ‑‑ let's go for this. And pass this exam. All right. Wish you guys all a good night.

End class