

CRIMINAL LAW MULTIPLE CHOICE QUESTIONS

1. Jim consumes 12 beers in the course of an hour at a Fourth of July party. It turns out the alcohol also interacts with a new and experimental anti-depressant Jim is taking, causing him to hallucinate. He is convinced that his wife, Mary, who is trying to help him, is the devil trying to steal his soul. He thinks he has no choice but to kill her and grabs a knife from the grill and thrusts it into her heart. She dies instantly. What is the highest charge the prosecutor can bring against Jim in a Model Penal Code jurisdiction?

- a) First degree murder because Jim premeditated and deliberated before he killed Mary.
- b) Second degree murder because, while Jim intended to kill, he didn't premeditate or deliberate the killing.
- c) No charge at all, as Jim's intoxication will negate his *mens rea* (he intended to kill the devil not Mary).
- d) Manslaughter because Jim can claim he was adequately provoked before acting.

2. Sharon has been interested in buying a used Yamaha scooter from her friend Anne. She negotiates a fair price (\$1500) over the phone and goes to pick it up. She gives Anne \$500 cash and tells her that she has transferred the remaining \$1000 to Anne's bank account by way of an on-line transaction, which is not true. Anne gives her the scooter and she drives off to school with it. What crime will Sharon be charged with?

- a) Larceny.
- b) Larceny by trick.
- c) No charge at all, but Anne can sue Sharon for damages.
- d) False pretenses.