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Criminal Law: Final Examination (May 1973)

William & Mary Law School

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I. On the first of June, 1972, William Hardcastle, Jonathan Jo, and Timothy Timid decided to take their respective dates to a local night club. The night club was owned by Lord Mansfield, an English peer of the realm. As the evening wore on and as the liquor continued to flow, William noticed that at times the cash register was totally unsupervised. As the six revelers were sitting around their table, William suggested that there must be at least \$10,000 in the till. He also suggested that it would be very easy to empty it rapidly and escape.

William was quite surprised at the enthusiastic reception his embryo plan received and all six began to set out the details. At the conclusion of the evening they were all somewhat inebriated and they left at about midnight satisfied that they had had an enjoyable evening.

The next morning, Jonathan called Timothy and asked him if he thought that William was serious about the intended robbery. They both then called on William and got down to serious discussion. Present at the discussion were the three girls that our three friends had taken to the night club.

The three men decided that the following Thursday, would be an ideal night to "pull the job" and they also decided that the girls should go with them in order that they look as innocent as possible. They also decided that the car should be driven by Tom MacTavish, a Scottish Nationalist who believed that his ultimate mission in life was to cause as much hardship to Englishmen as possible.

The plan was simple. Spend an evening at the club. At an opportune moment, when the till was unguarded, the three men would leave their table, move to the till, empty it, meet their car which would be parked around the corner, and later in the confusion the girls were to leave and meet them at a prearranged place and fly to Mexico.

On the evening in question the seven people set out. As the evening wore on, William became totally inebriated. Doris, Timothy's date, began to get nervous and announced that she did not want to go through with the plan. She left the table and went to "powder her nose".

Timothy and Jonathan decided that the time had come and left their seats and moved toward the till. William lurched along behind. Jonathan grabbed the money from the till but when a customer called robbery, William reached into his pocket, withdrew a gun and fired into the air. The bullet bounced off the ceiling and struck a customer in the head mortally wounding him. William then collapsed on the floor in a drunken stupor. As Timothy and Jonathan were about to climb into the car a passing police car which had been alerted arrested them along with Tom. Doris and the two other girls have also been detained.

You have just begun working at the D.A.'s office in the State of Madison, a state which follows the common law. You have been asked to indicate the possible offenses that each of those involved have committed, the possible defences that each would offer and the possible outcome of any case against them.

2. Geoffrey Slick was the sales manager of the X.Y. department store. The store specialized in selling large appliances at discount prices.

When Slick was first hired he had been promised a share of the profits "when he proved himself" but they had not been forthcoming. Slick decided that he would make life difficult for his employer. He contacted Sly, a known "second story" man, and suggested to him that he may be interested in a safe job. The plan was simple. Slick would work back one night and

turn off the alarm. Sly would back the truck up to the loading bay of the store and take away as much as he could carry. Sly would then deliver the goods to a known fence and give Slick 50% of the takings.

One evening the plan was carried out. Slick however did not turn off the alarm - he got cold feet - but the alarm failed to operate. Sly cleaned out the store and Slick received an envelope which contained \$10,000. He kept the money but wrote an unsigned note to his employer setting out the whole story (except for his "take") and giving the name of the fence. His employer was furious and decided that two could play the game. He arrived at the warehouse where the goods were kept and represented himself as a law enforcement official. He indicated that he was impounding the "stolen" goods. He then transported the goods back to his store where they were again put into stock.

Sure that he was "clean", Slick contacted the police and told them the whole story.

You have been asked to advise as to what a possible offenses have been committed and what possible defenses could be offered if any subsequent prosecutions result.

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3. Comment on the following:

- (a) The criminal law always recognizes that a mistake, reasonably made will excuse conduct which might otherwise be criminal.
- (b) Drunkenness is no defense.
- (c) Because psychiatrists talk so much hocus pocus the M'Naghten rules of insanity are the best.