San Luis Obispo College of Law

Criminal Law Examination

Fall 2025

Prof. H. Starr

Instructions

1. This examination consists of three (3) questions.
2. There is a three (3) hour time limit to complete the exam.
3. Questions 1 & 2 are both based on the same fact pattern with each question numbered. Question 3 is based on a separate fact pattern. Make sure that you read each essay question carefully before answering. Attempt to organize your answer before you start writing.

San Luis Obispo College of Law
Criminal Law Final
Professor Starr
Fall 2025

Questions 1 & 2

On July 8, 2025, sheriff's deputies in a small town in the State of San Asesinato, responded to an apartment complex, where Domingo lived with his pregnant girlfriend, Maria. Officers were summoned regarding a shooting that had occurred on the premises.

Maria told deputies the following: Maria and Domingo had lived in the apartment complex for two years. A month prior, Domingo had punched Tomas, the uncle of Victor. Victor had made several threats via text message to Maria since the punching incident, stating he would beat up Domingo. On July 5, Victor's friend, Anton, a known gang member, was released from prison, where he had served eleven years for gang-related manslaughter. On July 6, Victor sent a text message to Maria telling her, "Now that Big Anton is out, you know I'm coming." On July 8, Victor arrived in a red sedan at the apartment complex with Anton in the passenger seat. Anton got out of the car and stood 15 feet from the apartment door and began yelling for Domingo to come out and "catch an ass whooping." Victor remained in the car, idling in the parking lot approximately 25 feet from the apartment door. Maria went outside to tell Anton to leave. Anton appeared to be drunk, and pushed Maria, who stumbled, but did not fall. Maria went inside. Domingo exited the apartment and told Anton to leave. Anton refused and repeatedly told Domingo to fight him. Anton paced aggressively back and forth but did not get closer to the apartment. Domingo repeatedly told Anton to leave because he did not want to fight in front of his pregnant girlfriend. This back-and-forth lasted for approximately 10 minutes. Anton began to walk back to the red sedan. Domingo retrieved a firearm from his waistband and shot Anton 7 times, striking him in the back and left side, killing him. Victor began to drive away, and Domingo fired 10 rounds into the cab of the red sedan, killing Victor. Domingo then fled and discarded the firearm and two magazines in a field.

Domingo turned himself in a day later and spoke with a detective. Domingo said he was afraid that Anton might try to "do something," and Domingo acted in self-defense. When asked why he shot Anton in the back, Domingo said he thought Anton might have been retrieving a firearm from the car. When asked why he shot Victor, Domingo said Victor might have had a firearm in the car. Detectives later found a Ring camera recording that did not show the shooting but recorded the audio. There was a 4 second delay between the first 7 shots fired and the second 10 shots. Detectives also found the firearm and

two magazines that Domingo had discarded. Based on the round count in the magazines and Ring camera audio, Detectives believed that Domingo had changed magazines between when he shot Anton and when he shot Victor. No weapons were located on Anton, Victor, or inside the red sedan. Domingo was arrested for the murder of Anton and Victor, and for being a felon in possession of a firearm.

The State of San Asesinato has adopted common law principles. Discuss the following as to Anton and Victor. **Essay Questions 1 and 2 are based on the facts above.**

1) Discuss whether Domingo committed murder or manslaughter against Anton, and whether any defense apply?
2) Discuss whether Domingo committed murder or manslaughter against Victor, and whether any defense apply?

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Question 3

Dan was down on his luck. After losing most of his money to a failed bitcoin scheme, Dan turned on the news. On the news, Dan saw that owners of Flor-Mart, a national retail chain, had earned $48 million in profits for the year 2025. Dan became enraged that the owners of Flor-Mart could have so much money when he had none. Dan called up his friend, Acadia, and told her that he wanted to steal from Flor-Mart. Dan asked Acadia to be his getaway driver. Acadia agreed. Acadia drove to Dan's apartment, where they donned black clothes and masks. Dan brought his realistic airsoft replica firearm. The plan was for Acadia to drop him in front of the Flor-Mart just before closing. Dan would use his airsoft gun to hold up the store and take all the cash they had earned that day. Acadia drove Dan to the Flor-Mart. Dan hopped out of the car, but forgot to put his mask on. Dan went into the store. After entering through the second set of double doors, an elderly greeter at the door greeted Dan with a smile. Dan had a sudden change of heart. He also realized that he had not put on his mask. Dan awkwardly said hi to the greeter and then went into the store. Since he had brought no money, he decided on a smaller act of socioeconomic defiance, and he surreptitiously took two candy bars, one for himself and one for Acadia, secreted them in his pocket, and left. Dan told Acadia what had happened, and Acadia told Dan, "That's okay. You just needed to get it out of your system. I'm actually glad you didn't go through with it."

3) Discuss the crimes for which ***Acadia*** can be charged according to common law principles.

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SLO Criminal Law
Fall 2025 Answer Outline
Professor H. Starr

Question 1 Answer Outline

1) Did Domingo commit murder against Anton?
    a. Murder (Express Malice)
        i. Killing of Human being by another human being with malice aforethought
        ii. Express Malice: Premeditation and deliberation
            1. Killing of a human by a human being
            2. Express Malice (premed and delib)?
                a. Facts highlighted:
                    i. Amount of time that passed during the altercation
                    ii. The fact that Domingo was armed the whole time and waited for Anton to appear to be leaving and shots fired into Anton's back
                    iii. Number of shots fired
                    iv. Motive: threats, pushing maria, etc.
    b. Murder (Implied Malice/depraved heart)
        i. Killing of Human being by another human being with malice aforethought
        ii. Implied malice: Killing of human being by another human being with reckless disregard for the value of human life
            1. Facts highlighted:
                a. Altercation was still arguably going on
                b. No apparent plan
                c. Shooting at someone likely to cause death GBI
                d. Since D claims self-defense, hard to argue that D didn't intend to kill
    c. Felony Murder
        i. No apparent felonies that would allow for felony murder
            1. Extra points: Assault would merge with the murder and not be a basis for felony murder
2) Did Domingo commit manslaughter against Anton?
    a. Voluntary
        i. Heat of passion
            1. Facts highlighted:

a. Anger at treatment of Maria
b. Fear, any other high emotion
c. Time between push of Maria and shooting

ii. Imperfect self defense

1. Facts highlighted:
   a. Domingo's belief that he thought there was a gun
   b. Lack of any weapons on Victor

b. Involuntary

i. Conclusion should be no involuntary

3) Do any defenses apply?

a. Self-defense/defense of others

i. Subjective belief in need to use deadly force

1. Highlighted facts:
   a. Anton did not show a weapon
   b. Domingo claimed he thought there was one
   c. Domingo claimed he thought he needed to use force in self-defense

ii. Objective reasonability of use of deadly force

1. Highlighted facts:
   a. Anton did not show a weapon
   b. Anton was threatening great bodily injury
   c. Anton was walking away when shot

iii. Duty to retreat/Castle Doctrine

1. Common law duty to retreat if reasonable
   a. Highlighted facts:
      i. Domingo could have just gone inside, called the police, etc.
2. No duty to retreat in modern law
   a. Highlighted facts:
      i. Domingo was where he was legally allowed to be.
      ii. Domingo may have increase the danger to himself and Maria if he turned away from Anton
3. Castle Doctrine
   a. Does not apply because Domingo was outside his home, and Anton was not trying to force his way inside

4) Take aways – students should see how arguable facts make it difficult to select between homicide charges.

Question 2 Answer Outline

1) Did Domingo commit murder against Victor?
    a. Murder (Express Malice)
        i. Killing of Human being by another human being with malice aforethought
        ii. Express Malice: Intent to kill/Premeditation and deliberation
            1. Killing of a human by a human being
            2. Express Malice (premed and delib)?
                a. Facts highlighted:
                    i. Amount of time that passed during the altercation
                    ii. The fact that Victor was not actually involved directly, but had caused the confrontation
                    iii. Number of shots fired
    b. Murder (Implied Malice/depraved heart)
        i. Killing of Human being by another human being with malice aforethought
        ii. Implied malice: Killing of human being by another human being with reckless disregard for the value of human life
        iii. Facts highlighted:
            a. Altercation was still arguably going on
            b. No apparent plan
            c. Shooting at someone likely to cause death GBI
            d. Since D claims self-defense, hard to argue that D didn't intend to kill
    c. Felony Murder
        i. No apparent felonies that would allow for felony murder
        ii. Extra points: Assault would merge with the murder and not be a basis for felony murder
2) Did Domingo commit Manslaughter against Victor?
    a. Voluntary
        i. Heat of passion
            1. Facts highlighted:
                a. Anger at treatment of Maria, but not from Victor
                b. Fear, any other high emotion
                c. Fact that Victor never left the car
                d. Amount of time between first and second volley, task of reloading, suggestion that this was enough time to react with reason and not passion
        ii. Imperfect self defense

1. Facts highlighted:
    a. Domingo's belief that he thought there was a gun in the car with Victor
    b. Lack of any weapons on Victor
    c. No mention of Victor making moves for firearms
    d. Amount of time that passed between first volley and second volley suggesting anger and thought process, not self-defense

b. Involuntary
    i. Conclusion should be no involuntary

3) Do any defenses apply
    a. Self-defense/defense of others
        i. Subjective belief in need to use deadly force
            1. Highlighted facts:
                a. Victor did not show a weapon
                b. Domingo claimed he thought there was one
                c. Domingo claimed he thought he needed to use force in self-defense
        ii. Objective reasonability of use of deadly force
            1. Highlighted facts:
                a. Victor did not show a weapon
                b. Victor brought Anton to the house was threatening great bodily injury in messages
                c. Victor had not left the car when shot
        iii. Duty to retreat/Castle Doctrine
            1. Common law duty to retreat if reasonable
                a. Highlighted facts:
                    i. Domingo could have just gone inside, called the police, etc.
            2. No duty to retreat in modern law
                a. Highlighted facts:
                    i. Domingo was where he was legally allowed to be.
                    ii. Domingo may have increase the danger to himself and Maria if he turned away from Anton
            3. Castle Doctrine
                a. Does not apply because Domingo was outside his home, and Anton was not trying to force his way inside

Take aways – students should see how arguable facts make it difficult to select between homicide charges.

Question 3 Answer Outline

1) Basis for Acadia's liability
    a. Accomplice liability
        i. Acadia encouraged and assisted Dan in committing the crimes
    b. Conspiracy Liability
        i. Agreement between 2 or more persons to commit a crime
        ii. Intent to agree
        iii. Intent that the crime be committed
            1. Facts highlighted:
                a. Acadia was aware of the planned crime
                b. Acadia encouraged it
                c. Acadia took part in it
                d. Acadia later said she did not want Dan to go through with it, but her actions suggest otherwise
            2. Wharton rule does not apply (extra)
2) Crimes Acadia committed
    a. Conspiracy
        i. Crime on its own
        ii. Agreement between 2 or more, intent to agree, intent that it be carried out
            1. Same facts as above
            2. Should conclude Acadia likely committed conspiracy
3) Crimes Dan committed that accomplice/conspiracy liability extends to Acadia
    a. Burglary
        i. Entry into building
        ii. Intent to commit larceny or felony
            1. Facts highlighted
                a. When Dan entered, he intended to commit a robbery, which is both a felony and involves larceny
                b. At time of entry, still intended to commit a robbery
        iii. No defense that he abandoned purpose after entry
        iv. Accomplice liability:
            1. The plan necessitated the burglary, so it was part of the conspiracy and she would be guilty of this

v. Conspiracy liability:
    1. The plan necessitated the burglary, so it was part of the conspiracy and she would be guilty of this

b. Attempted robbery
    i. Larceny
    ii. Use of force or fear
    iii. Attempt
        1. Substantial step
        2. Intent
            a. Facts highlighted
                i. Dan prepared at home and then went to Flor-Mart
                ii. Dan actually entered and was in the final phase of committing the robbery
                iii. Dan forgetting his mask as a factor in deciding against it weigh against the notion that going inside was not a substantial step
        3. Accomplice liability:
            a. Acadia encouraged the robbery, so she would also be guilty of the attempt
        4. Conspiracy liability:
            a. Robbery was the intent of the conspiracy, so an attempt robbery falls within the ambit of liability

c. Larceny
    i. Trespassory taking and carrying away of property not his own, permanently deprive
        1. Facts highlighted:
            a. Dan removed the candy surreptitiously and did not pay
            b. Dan removed the candy from the store
            c. Accomplice liability: is the theft of candy something Acadia sought to encourage?
                i. Her statement that she was glad
                ii. Was the candy reasonably foreseeable in light of the crime she encouraged?
                    1. If the argument is framed on the item, candy, a student can argue "no" but if the argument is framed on whether theft is reasonably foreseeable, the answer should be yes
            d. Conspiracy liability: is theft of a candy bar a reasonably foreseeable consequence of robbery?

i. If the argument is framed on the item, candy, a student can argue "no" but if the argument is framed on whether theft is reasonably foreseeable, the answer should be yes

d. Extra Points: receipt of stolen property
   i. Facts do not indicate if Acadia took candy bar, but if she did
      1. Acadia had knowledge of the theft because Dan told her
      2. Acadia may or may not have accepted the property, the facts do not say

1)

State v Domingo (Anton)

Can Domingo be charged with first-degree murder?

Murder is the unlawful killing of a human being by another with malice aforethought. There are four malice theories: (1) Express malice which is the intent to kill; (2) the intent to inflict great bodily injury, (3) extreme recklessness to the value of human life, and (4) murder during the commission or attempt of an enumerated felony which includes burglary, arson, rape, robbery, and kidnapping. The intent to kill requires premeditation and deliberation. Most jurisdictions do not require a set amount of time to be met for premeditation and deliberation. The intent to inflict great bodily injury requires the defendant (D) to subjectively intend to inflict great bodily injury or act with substantial certainty that their act will lead to such result. The D acts with extreme recklessness to the value of human life when they create a unjustifiably grave risk of death or great bodily harm and does not care if death or great bodily injury occurs. The D must be the actual and proximate cause of the victim's death. Actual causation is the direct causal connection between the D's actions and victim's death. Actual causation is determined through the "but-for" test where, but-for the D's actions, the victim would not have been killed. Actual causation is also determined through the substantial factors test where, looking at the totality of the circumstances, the D is a substantial factor in the victim's death. Proximate causation is determined if it is foreseeable whether the D's actions caused the victim's death, notwithstanding independent, unforeseeable, superseding forces. Dependent, foreseeable, intervening forces will not break causation. Independent, unforeseeable, superseding forces will break causation.

In this case, it can be argued that Domingo had enough time to form the intent to kill because the back-and-forth with Anton lasted about 10 minutes which is sufficient time to premeditate and deliberate. Domingo also had enough time to premeditate and deliberate his intent to kill when Anton turned around and started to walk away. It can even be argued that Domingo had the intent to kill as soon as he walked out of his

apartment because he had a handgun in his waistband. Domingo showed that he intended to kill because he shot Anton 7 times. Domingo was the actual cause because, but-for Domingo shooting Anton, Anton would not have been killed. Domingo was also the proximate cause of Anton's death because it was foreseeable that Domingo shooting Anton multiple times would lead to Anton being killed. From the facts, there were no superseding forces to break the chain of causation between Domingo's shooting and Anton's death.

ANALYSIS BRIEF, SUPERFICIAL, DIDN'T APPLY ALL RULES

Domingo can be charged with first-degree murder.

Can Domingo be charged with second-degree murder?

AH! IT KEEPS COMING!

TAUTOLOGICAL *See above for murder.*

Here, Domingo had an intent to inflict great bodily injury because he subjectively intended to inflict great bodily injury when he shot Anton. Even if Domingo did not have the subjectice intent, he should have had knowledge to a substantial certainty that his shooting would lead to great bodily injury against Anton. Domingo was the actual cause because, but-for Domingo shooting Anton, Anton would not have been killed. Domingo was also the proximate cause of Anton's death because it was foreseeable that Domingo shooting Anton multiple times would lead to Anton being killed. From the facts, there were no superseding forces to break the chain of causation between Domingo's shooting and Anton's death.

STILL NOT AS DETAILED AS IT SHOULD BE

Domingo can be charged with second-degree murder.

Can Domingo be charged with voluntary manslaughter?

Manslaughter is the unlawful killing of a human being by another without malice aforethought. There are two forms of manslaughter; voluntary and involuntary manslaughter. Voluntary manslaughter occurs when the D, under a sudden heat of passion (HoP) and sufficient provocation, kills the victim. The killing must have occurred during the sudden HoP without sufficient time to cool off. Heat of passion does not have to be made up of anger and can be made of other emotions such as sadness or happiness. The provocation must be such that a person of average disposition would fall victim to the heat of passion and lose control of their logical and reasonable thoughts. Involuntary manslaughter can occur when a lawful act is done unlawfully or when the D is negligent.

Here, Domingo would argue that he suffered under HoP when Anton pushed Maria aside. This would be sufficient provocation because it is likely that a person of average disposition would fall victim to a heat of passion if their pregnant girlfriend was shoved by a known gang-member. However, Domingo had sufficient time to cool off because the back-and-forth with Anton lasted for about 10 minutes and it is reasonably foreseeable that a person suffering under a HoP would cool down during that time.

Domingo cannot be charged with voluntary manslaughter.

Can Domingo claim the use of self-defense?

A D can use self-defense if there is an imminent harm of bodily injury. The force used must be proportional the force threatened by the other party. Deadly force cannot be used unless there was an imminent threat of death or great bodily injury or the aggressor threatened the use of a deadly weapon. The use of deadly is justified if the D actually believed that they were under an imminent threat of death or great bodily injury and if a reasonable person in D's circumstances would also resort to the use of deadly force.

WALKING AWAY?

In this case, Domingo actually believed they were under an imminent threat of death or great bodily injury because of the knowledge that Anton was a gang member that served time for manslaughter, Domingo thought Anton was going to "do something," and Domingo believed that Anton was going to Victor's car to retrieve a firearm. However, a reasonable person in Domingo's position would not have resorted to using deadly force against Anton because Anton did not present an imminent threat of death or great bodily force when he turned around and started walking away from Domingo. A reasonable person would also conclude that Anton did not present an imminent threat because he was drunk and pacing back-and-forth without getting any closer to Domingo's apartment.

Domingo cannot claim self-defense.

IMPERFECT??

Can Domingo claim the defense of others?

Defense of others occurs when a party comes to the defense of another. The proportionality of force and use of deadly force is similar to that of self-defense. The person being defended must be able to use self-defense in their situation for the other person to be justified in defending them. WHICH REQUIRES---

THIS FORM OF ANALYSIS IS FOR INTERPRETATION OF FACTS, NOT CONCLUSIONS.

Domingo would argue that he was justified in coming to the defense of Maria because she had been pushed by Anton. Maria in that instance would have been able to use proportionate force against Anton by pushing him back. However, Maria would not have been able to use deadly force against Anton because the use of deadly force would not be proportional to Anton's pushing. Domingo was not justified in using deadly force in defense of Maria because Maria would also not have been justified in using deadly force.

Domingo would not be able to claim the defense of others.

END OF EXAM

2)

State v. Domingo (Victor)

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Can Domingo be charged with first-degree manslaughter?

See previous question for murder, malice, and causation.

In this case, it can be argued that Domingo had sufficient time to premeditate and deliberate the intent to kill Victor because, from the Ring camera footage, there was a 4 second delay when Domingo changed magazines before shooting Victor. Domingo showed his intent to kill Victor when he shot at Victor 10 times. Domingo was the actual cause of Victor's death because, but-for Domingo shooting Victor 10 times, Victor would not have died. Domingo was also the proximate cause because it was foreseeable that Domingo shooting at Victor 10 times would lead to Victor's death.

Domingo can be charged with first-degree manslaughter.

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Can Domingo be charged with second-degree manslaughter?

See previous question for murder, malice, and causation.

Domingo had the subjective intent or substantial certainty to inflict great bodily injury against Victor because he shot at Victor 10 times. Domingo was the actual cause of Victor's death because, but-for Domingo shooting Victor 10 times, Victor would not have died. Domingo was also the proximate cause because it was foreseeable that Domingo shooting at Victor 10 times would lead to Victor's death. There were no superseding forces that would have broken causation.

Domingo can be charged with second-degree manslaughter.

Can Domingo be charged with voluntary manslaughter?

See previous question for manslaughter.

Here, Domingo would argue he was still acting under heat of passion when Anton shoved Maria. However, about 10 minutes had passed when Anton decided to walk away from Domingo and Domingo shot and killed Anton. A reasonable person in such circumstances would have likely cooled off after those 10 minutes. Domingo could also argue that he was suffering from heat of passion as a result of shooting Anton because he could have recognized the gravity of what he had done. This could be sufficient provocation for a person of average disposition because such a person would feel a heavy sense of guilt and lose control of logical and rational thinking if they shot and killed someone. However, the prosecution would argue that if Domingo was under a heat of passion, he likely would not have been able to land his shots against Victor because Victor was 25 feet away from Domingo's apartment and was likely further away than 25 feet when he started to drive his car, making Victor difficult to shoot under a heat of passion. Since Victor was in his car, he would have been a difficult target because Domingo would have to know where to shoot in order to injure and kill Victor which is not likely if Domingo was suffering under a heat of passion.

Domingo would not be charged with voluntary manslaughter.

Can Domingo claim self-defense?

See previous question for self-defense.

Here, Domingo felt justified in his use of deadly force because had the actual belief of an imminent threat of death or great bodily injury when he stated that he thought that Victor might have had a firearm in his car. Domingo's belief was not objectively reasonable because a reasonable person would see that there was no imminent threat of death or great bodily injury when Victor started to drive away from the apartment complex.

Domingo would not be able to claim self-defense.

END OF EXAM

3)

State v. Acadia

Can Acadia be charged as an accessory-before-the-fact?

An accessory-before-the-fact aids and abets the principal with the intent to further the commission of a crime of another. An accessory-before-the-fact is liable for the objective crime or foreseeable crimes committed by the principal in furtherance of the objective crime.

RULE FACT = ANALYSIS! GOOD JOB

In this case, Acadia aided and abetted Dan when she drove Dan to Flor-mart. Acadia had the intent to further the commission of stealing from Flor-mart because Dan told Acadia his plans to steal from Flor-mart and she agreed to be his getaway driver.

THIS IS CONCISE ANALYSIS WELL DONE

Acadia can be charged as an accessory-before-the-fact.

ALSO A THEORY OF LIABILITY

Can Acadia be charged with conspiracy to steal from Flor-mart?

CRIME / BUT WHAT IS AN OVERT ACT.

A conspiracy is an agreement between two or more people with the intent to commit a criminal act or series of criminal acts in furtherance of an objective crime. Most jurisdictions require an overt act to be done in furtherance of the objective crime. The overt act does not have to be criminal in nature. Under the Pinkerton Rule/ conspiracy liability, all members of a conspiracy are liable for the foreseeable crimes committed by another member of the conspiracy in furtherance of the objective crime.

LIABILITY

THIS IS JUST FACT; A ENTERED INTO AGREEMENT IN ARN...

Here, Acadia was told of Dan's plan to steal from Flor-mart and agreed to participate. It can be argued that Acadia also had the intent to steal from Flor-mart when she committed the overt acts of putting on black clothes and a mask and when she drove Dan to Flor-mart.

WHY IS THIS AN OVERT ACT?

Acadia can be charged with conspiracy to steal from Flor-mart.

Can Acadia be charged with burglary?

Under common law, burglary is the breaking and entering into the domicile of another during nighttime with the intent to commit a felony within. The breaking is done through the use of some force to create or enlarge an opening. Entering is done when any part of the D's body crosses the outer boundary of the building. A domicile is considered to be the living quarters of a person. See above for conspiracy liability.

Here, Dan broke and entered into Flor-mart when he pushed through the double doors and went inside the store. It is unclear from the facts if it was nighttime when Dan broke and entered into Flor-mart but is likely that it was because Acadia and Dan arrived just before Flor-mart closed and most stores close at night. However, Flor-mart is not considered a domicile because it is a store within a nation retail chain. Dan had the intent to commit a felony within the store because he went into the store with the intent to commit armed robbery. Under modern jurisdictions, Dan could be charged with burglary because, in those jurisdictions, burglary can occur in any building.

GOOD USE OF FACTS ← BECAUSE PEOPLE DON'T LIVE IN STORES

↳ THIS SHOULD BE IN RULE STATEMENT

Acadia would not be charged with burglary because Dan did not commit a burglary.

THIS FLOWS FROM ANALYSIS, THOUGH YOU CORRECTLY POINT OUT IT PROBABLY WOULD BE IN MODERN JXS

Can Acadia be charged with attempted armed robbery?

Robbery is the unlawful taking of the property of another through the use of violent force or threat of such force with the intent to permanently deprive the owner of their property. Armed robbery is robbery with the threat of deadly force or threat of such force through the use of a firearm. An attempt occurs when the D intends to commit a crime but is unable to complete the crime. Under common law, the physical proximity

test can be used to determine whether there the objective crime was close to completion. The physical proximity test is where the D is dangerously close to completing the commission of a crime. A substantial step also determines whether an attempt was made if the D committed an act in furtherance of the crime. See above for conspiracy liability.

ROBBERY ELEMENTS? YOU ANALYZED ONLY HALF

In this case, Dan attempted to commit armed robbery because, when he entered Flor-mart, he was physically close to completing the crime. Dan also took a substantial step towards the completion of armed robbery when he brought his realistic airsoft gun with him and arrived at the store with it.

Acadia can be charged with attempted armed robbery through conspiracy liability.

Can Acadia be charged with larceny?

Larceny is the trespassory taking and carrying away of the property of another with the intent to permanently deprive them of their property. There is no distance requirement when taking away the property of another. See above for conspiracy liability.

GOOD

Here, Dan took and carried the property of another when he took the candy bars and carried them away from the store. Dan had the intent to permanently deprive the store of its property because he hid the candy bars in his pockets and took them for Acadia and himself. It is likely that they will consume the candy bars which would also equate to them permanently depriving Flor-mart of the candy bars. Larceny is a foreseeable crime during the commission or attempt of an armed robbery because it is foreseeable that a party will take and carry away additional property during or after an armed robbery.

Acadia can be charged with larceny through conspiracy liability.

IS THIS ADDRESSED HERE?

END OF EXAM

COMPETENT WORK.
KEEP WORKING ON
MAKING SURE YOU
ANALYZE EVERY
ASPECT OF THE RULE
NECESSARY TO THE
CONCLUSION.
THIS WAS WELL-WRITTEN,
SOLID ANALYSIS. RECEIPT
OF STOLEN PROPERTY
COULD HAVE BEEN
ADDRESSED, BUT OTHERWISE
THIS WAS QUITE THOROUGH AND
WELL ORGANIZED.