

Criminal Law Bar Exam Practice Questions With Correct Answers 2023

When does a state have jurisdiction to prosecute a crime? - Answer state may prosecute crime if significant portion of prohibited CONDUCT or RESULT occurred in that state

Merger - Answer -one crime is subsumed into another → can be CHARGED, but cannot be CONVICTED of both

-Lesser-included offenses DO merge into greater-included offenses (e.g. crime w/ elements AB merges into crime w/ elements ABC)

-Conspiracy does NOT merge into the target offense

-Solicitation and Attempt DO merge into the target offense

Burden of Proof (generally) - Answer BEYOND A REASONABLE DOUBT is the burden the state bears for every element of a crime

Actus Reus (AR) - Answer 1) PHYSICAL or EXTERNAL component

--i) prohibited conduct (e.g., speeding)

--ii) prohibited result (e.g., killing)

--iii) attendant circumstances (e.g., age of victim)

2) VOLUNTARY ACT

3) an OMISSION which violates a legal duty

-generally, NO LEGAL DUTY to act or aid

Situations in which a Legal Duty to Act may arise: - Answer i) statute (e.g., paying taxes, reporting child abuse)

ii) contract (e.g., nurse, nanny)

iii) relationship (e.g., parent, spouse)

iv) assumption of care (e.g., Misery)

v) creation of peril (e.g., hitting pedestrian)

Mens Rea (MR) - Answer MENTAL or INTERNAL component of a crime

specific intent crimes - Answer -purpose or object

-the manner in which the crime was committed may provide circumstantial evidence of intent

the major specific intent crimes - Answer 1) 1st degree murder

2) assault

3) inchoate offenses

4) solicitation

5) attempt

6) conspiracy

Criminal Procedure For Law School Bar And College Examinations

TD Snyder



Criminal Procedure For Law School Bar And College Examinations:

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