

SAN LUIS OBISPO COLLEGE OF LAW
MIDTERM EXAMINATION
FALL 2020
CRIMINAL LAW

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Instructions

1. This examination consists of three sections of equal value. There is a four (4) hour time limit to complete the exam.
2. Questions 1 and 2 are essay questions. Question 3 consists of MBE questions. Make sure that you read each essay question carefully before answering. Attempt to organize your answer before you start writing. You may print the essays to make notes and mark key words as you review each essay before starting to write.
3. The essay questions test your ability to apply the law to the facts. After stating the issue, provide a succinct statement of the relevant legal principles, followed by a detailed analysis of how these legal principles apply to the facts, and a conclusion.
4. There are multiple issues to address in the essay questions. Some issues may be fairly straightforward and do not require detailed analysis. Other issues may be more complicated, those issues merit more extended discussion.

Criminal Law Essay Question # 1

80 Minutes

Jack and Larry found out that their best friend from childhood was murdered. They both became upset and wanted to find out who killed their friend. Several days later, on the date of their friend's funeral, Jack and Larry consumed alcohol, became emotional, and made the decision to go find the person who killed their friend. Jack wanted to kill the person responsible for the death of the friend, and Larry agreed to go along with this plan.

Larry drove himself and Jack to a neighborhood street corner where they saw Rick – the person they suspected (but did not know for sure) had killed their friend. Larry parked the car, and Jack approached Rick and fired ten rounds from a pistol he brought directly at Rick while Larry waited. Jack and Larry then ran away on foot, Jack dumped the gun. Rick suffered serious injuries and died that same day.

Discuss Jack's and Larry's culpability for intentional forms of homicide, if any. What defenses, if any, might Jack and Larry raise?

Essay Question #2

80 Minutes

Dennis was a drug-addict and needed money to buy drugs. At around 2 am on Ocean Avenue, he opened mailboxes belonging to the residences. In one, he found a box of blank checks from Bank of America mailed to the account holder who lived in one of the residences. Dennis made a check out for \$1,000 and wrote his name in the payee line and signed the check using the name of the account holder. Dennis then went to a Bank of America branch to cash the check. Dennis provided the teller the check for \$1,000 that he had taken from the mailbox belonging to one of the residences on Ocean Avenue. The teller cashed the check and gave Dennis \$1,000.

Dennis continued walking down the street and found himself in a neighborhood known for drug and theft crimes. One of the neighborhood drug dealers, Slanger, saw the cash in Dennis's hands. Slanger approached Dennis, threatened to kill him and demanded that Dennis hand over the cash. Dennis, in fear for his life, handed Slanger the money. Slanger, carrying a bat, struck Dennis in the head after taking the money, causing Dennis to fall down. Slanger then ran away on foot.

Discuss the crimes that Dennis committed and any applicable defenses. Discuss the crime(s) that Slanger committed and any applicable defenses.

QUESTION 1 ANSWER OUTLINE

Answer and Issues outline:

1. First degree premeditated, deliberate, murder: Jack and Larry committed first degree premeditated murder. This crime requires proof of the following elements: 1) defendant committed an act that caused the death of another person; 2) when the defendant acted, he intended to kill the other person and did so with premeditation and deliberation; and 3) he killed without lawful justification. Jack and Larry had express malice because they unlawfully intended to kill. Under the deadly weapons doctrine, an inference of intent to kill is raised through the intentional use of a firearm which is calculated to lead to produce death or serious bodily injury. Malice aforethought does not require hatred or ill will toward the victim, Rick, but it is clear that they harbored ill will toward the person they believed had killed their best friend. The murder is first degree because they acted with premeditation and deliberation, planning to and did drive 5 miles to find their intended victim to shoot and kill him, with Jack obtaining the weapon with which to do it. When they saw Rick, Larry stopped his car to let Jack out who walked 20 feet to shoot Rick as intended. This evidence shows they weighed the considerations for and against their choice and knowing the consequences, decided to kill. They acted with premeditation because they decided to kill before driving to find Rick and shoot him. The amount of time required for deliberation and premeditation may vary from person to person and according to the circumstances. A decision to kill made rashly, impulsively, or without careful consideration of the choice and its consequences is not deliberate and premeditated. On the other hand, a cold, calculated decision to kill can be reached quickly. The test is the extent of the reflection, not the length of time
 - a. Larry might argue that he did not know Jack would actually shoot Rick but that he just thought Jack was going to scare Rick “to get even with him.” However, he was specifically asked by Jack to go with him to kill Rick, he was shown the pistol with which Jack was going to do so, and he watched Jack as he walked up to Rick and shot him ten times. Furthermore, after the shooting he fled from the scene and helped Jack escape in his vehicle.
2. Second degree murder and Common Law murder: If the prosecution fails to prove that the murder was first degree murder, it would be murder in the second degree in jurisdictions having first degree and second degree murder statutes. At common law there were no degrees of murder, but murder was defined as the unlawful killing of another human being with malice aforethought--where the killing is done with one of the following mental states: 1) intent to kill; 2) intent to inflict great bodily injury; 3) with reckless indifference to an unjustifiable risk to human life (depraved heart); or under the felony murder rule. The evidence shows that both had the intent to kill here so they would both be guilty of common law murder.

3. Heat of passion: to reduce the murder to voluntary manslaughter, Jack and Larry may argue for a heat of passion defense which requires proof that 1) defendant was provoked; 2) as a result of the provocation, they acted rashly and under the influence of intense emotion that obscured their reasoning/judgment; and 3) the provocation would have caused a person of average disposition to act rashly and without due deliberation, that is from passion rather than from judgment. Heat of passion does not require anger, rage or any specific emotion, it can be any violent or intense emotion that causes a person to act without due deliberation and reflection. Larry and Jack must show that they acted under the direct and immediate influence of provocation – slight or remote provocation is not enough. It is not enough that they were simply provoked – they are not allowed to set up their own standard of conduct. Larry and Jack have to show that a person of average disposition, in the same situation and knowing the same facts, would have reacted from passion rather than from judgment. Additionally, if enough time passed between the provocation and the killing for a person of average disposition to cool off, and regain his reasoning/judgment, then the killing is not reduced to voluntary manslaughter.
4. Diminished capacity, voluntary intoxication: Jack and Larry may argue that they were intoxicated by alcohol. However, voluntary intoxication alone is not a defense to the crimes although it could be a defense to the mens rea required for conspiracy and first degree murder--the intent to agree and the intent to kill Rick. They would each have a level of intoxication such that it impaired his ability to form the intent required for each crime of conspiracy and first degree murder. If successful, the intoxication defense would only mitigate the crime of first degree murder to a lower degree, or perhaps voluntary manslaughter. The jury may get an instruction and consider evidence of their intoxication and whether they formed the specific intent for conspiracy and to kill Rick.
5. Conspiracy: since Larry and Jack are acting together to commit the murder, there is an argument that they are in a conspiracy to commit the murder. To prove that they're guilty of conspiracy to commit murder, it must be proved that 1) they intended to agree and did agree to commit the murder; and 2) at the time of the agreement, they intended that one of the would commit the crime; and 3) one of the defendants committed an overt act to accomplish the goal of murdering Rick. It must be proven that Larry and Jack intended to agree and did agree to commit the murder. An agreement may be inferred from Larry's and Jack's conduct. An overt act is an act by one or more of the conspiracy members that is done to help accomplish the agreed upon crime. The overt act must happen after the defendant has agreed to commit the crime. The overt act must be more than the act of agreeing or planning to commit the crime, but it does not have to be a criminal act itself. Here, the overt act can be them driving to the street corner where Jack fired the rounds at Rick (or the actual act of shooting). Larry could argue he merely accompanied or

associated with Jack, and did not intend to commit the murder, but again the facts discussed above show otherwise. In some jurisdictions, the conspiracy charge would merge into the completed crime of murder.

6. Aiding and abetting: even though Jack is the person pulling the trigger, Larry is also guilty of the murder as an aider and abetter. A person may directly commit a crime or aid and abet a perpetrator who directly commits the crime, i.e. murder. To prove that the defendant is guilty of a crime based on aiding and abetting that crime, it must be proven that: 1) the perpetrator (Jack) committed the crime; 2) defendant knew that perpetrator intended to commit the crime; 3) before or during the commission of the crime, the defendant intended to aid and abet the perpetrator in committing the crime; and 4) the defendant's words or conduct in fact aided and abetted the perpetrator's commission of the crime. Someone aids and abets a crime if he/she knows of the perpetrator's unlawful purpose and h/she specifically intends to and does in fact, facilitate, promote, encourage or instigate the perpetrator's commission of that crime. As stated before, the facts show Larry knew what Jack intended to do and was even shown the gun with which Jack was going to shoot Rick to kill him, drove him to find Rick and thereafter watched as he did so, escaping with Jack afterwards.
7. Accessory after the fact: If Larry is able to successfully argue he did not conspire to kill Rick and thought Larry was only going to scare Rick, the fact he drove the get away vehicle to help Larry escape makes him an accessory after the fact to the murder he witnessed.

QUESTION 2 ANSWER OUTLINE

Issue 1: Did Sandy commit the crimes of robbery, burglary, and attempted larceny?

Rules: Robbery: D takes property from another's possession or immediate presence using force or fear and against the V's will.

Burglary: D enters a building with the with the intent to commit a felony or any theft.

Attempted Larceny: Direct step toward trespassory taking of another's property with the intent to deprive the owner of the property.

Attempt: 1) Beyond planning and preparation; 2) A direct but ineffective step which puts plan into action so that the plan would have been completed if some circumstance outside the plan had not interrupted the attempt. A direct step indicates a definite and unambiguous intent to commit the crime.

Analysis and conclusion: Sandy attempted to commit an armed robbery (and necessarily a larceny and burglary), by taking direct steps such as obtaining a gun, driving to the bank, etc. Sandy obviously

intended to use force or fear, even if she didn't want to "use" the gun, as she intended to display it during the theft. Although she did not enter the bank, it was her intent to enter it and do so with the intent to commit a felony and a theft.

Issue 2: Is Sandy liable for resulting crime of attempted murder?

Rules:

1. Attempted murder requires the intent to kill (express malice). Must prove that the defendant took a direct but ineffective step toward killing another human being and the defendant intended to kill that person. If done with premeditation and deliberation, an attempted killing exposes the perpetrator to lifetime imprisonment. The length of time the person spends considering whether to kill does not alone determine whether the attempted killing is deliberate and premeditated. The amount of time required for deliberation and premeditation may vary from person to person and according to the circumstances. A decision to kill made rashly, impulsively, or without careful consideration of the choice and its consequences is not deliberate and premeditated. On the other hand, a cold, calculated decision to kill can be reached quickly. The test is the extent of the reflection, not the length of time.
2. Factual impossibility is not a defense: It is irrelevant that the windshield was made of bullet proof glass, as long as Sandy had the specific intent to kill.
3. The facts do not implicate attempted voluntary manslaughter (in Self-Defense or Heat of Passion) because the police had a lawful right to chase Sandy.

Analysis and conclusion: 1. Facts to analyze for whether Sandy committed an attempted murder by firing her gun at police: The police observed Sandy's car and gave chase. Sandy fired her gun at the police so they would stop chasing her.

Issue 3: Is Sandy culpable for the crime of assault on the police officer?

Rule: Assault—An act that would probably result in the application of physical force + D is aware of facts + facts would lead a reasonable person to realize that act was likely to result in the application of physical force by D.

Analysis and conclusion: Sandy clearly committed an assault on the police by firing her gun at them. She was aware of the fact that by firing a round, it was likely that there would be an application of physical force by her on the officers.

QUESTION 3 ANSWER OUTLINE

Answer and Issues outline:

1. Taking blank checks from a mailbox. This is larceny, not burglary, because a mailbox is not a building, room within a building, or a locked vehicle (there are other structures listed in PC 459, but students just need to know the places listed on CALCRIM 1700, unless we gave them the statute on an exam). Students need not discuss other forms of theft that do not apply for this crime, because it is obvious they do not apply on these facts. BUT WHAT ABOUT THEFT BY FALSE PRETENSES/TRICK/EMBEZZLEMENT AS DISCUSSED BELOW?

2. Forging the check/theft by false pretenses: There is a California crime called forgery that we did not study, which best fits the bill here. However, theft by false pretenses also covers this crime, if we regard the owner of the money/intended V as the bank. Theft by false pretenses requires that the perpetrator: (1) take property (or money) by knowingly and intentionally deceiving the owner or agent by falsehood (called false pretense); (2) the perpetrator takes possession and ownership of the property; and (3) the victim consents to the transfer of possession and ownership relying on the falsehood. Dennis took the cash by intentionally deceiving the teller by falsely representing himself as the account holder for both the check and the loan. Dennis intended to acquire ownership of the money, so it is not a theft by trick. The theft was not trespassory, so it is not a larceny. Neither the bank nor the account holder entrusted Dennis with the check or the proceeds so it is not embezzlement. As to the proceeds, embezzlement does not include consent due to fraud, deceit, or falsehood. It is not a larceny by trick because the V bank intends to transfer ownership of the money and consented to transfer. It is not a larceny with the bank as V because the taking will is not trespassory, i.e. bank intended and did in fact transfer the money.

3. Entering the bank with a forged check. IN MODERN LAW, this is a burglary because Dennis entered a building with the intent to commit a form of theft. At common law it would not be burglary because it was not a dwelling and not done at night.

4. Slander crimes: Slander committed the crime of robbery. Robbery requires proof that: (1) the property was in Dennis's possession; (2) Slander took property not his own; (4) the property was taken from Dennis's immediate presence and against his will; and (4) that Slander used force or fear to take the property. Additionally, the evidence must prove that when Slander used force or fear, he intended to deprive Dennis of the property permanently. Here, Slander sees the cash that Dennis is carrying and arguably, forms the intent to steal the money from him. There is no evidence of Slander returning the cash to Dennis since Slander flees the scene and does not return.

6. Battery: Slanger also committed battery against Dennis. Battery requires proof that Slanger willfully touched Dennis in a harmful or offensive manner and that Slanger did not act in self-defense. Slanger hit Dennis in the head with a bat which was clearly willful and offensive and not done in self-defense. At common law, the mental state required for battery was criminal negligence for either offensive touching or bodily injury battery, while the MPC mens rea is recklessness. These elements were all met due to the use of a bat to hit the victim in the head causing him to fall down.

7. Assault: Requires proof that Slanger committed an act that by its nature would directly and probably result in the application of force to a person (i.e. punching someone in the head); that he committed the act willfully (i.e. willingly or on purpose); and that Slanger was aware of the fact that would lead a reasonable person to realize that his act would directly and probably result in the application of force to someone. The evidence must also prove that Slanger had the present ability to apply force and did not act in self-defense. All these elements are met here. The key point is that under CALCRIM and most jurisdictions, there is no need to prove that Slanger actually touched Dennis. The touching can be done indirectly by causing an object to touch the other person – the bat here.

1)

1) Jack and Larry

Intentional forms of homicide

The issue at hand is whether or not Jack and Larry can be found liable for an intentional form of homicide. Here, the intentional forms of homicide that we can apply are first-degree murder, second-degree murder, and voluntary manslaughter.

First-degree murder

Can Jack and Larry be found liable for first-degree murder? First-degree murder is the unlawful killing of another willful, premeditated, and deliberate. This conduct is described as the planning out and thinking of how you are going to go about committing the act. In this case, Jack and Larry were upset to hear about the news of their childhood best friend who was murdered. They both wanted to find out who killed their friend. On the day of the funeral both, Jack and Larry, were intoxicated, emotional, and made the decision to go, find the person responsible for their friend's death and kill him. They drove around and found Rick, who they believed to have killed their friend. Jack ended up firing ten rounds from a pistol he brought while Larry waited. Rick suffered injuries and died that same day. Here, it can be argued that a gun was brought with them with the purpose to kill whoever murdered their friend. In some jurisdictions, the killing can be instantaneous. The court could find that Jack and Larry had thought and planned out the murder of the person who they believed to have killed their friend, Rick.

Second-degree murder

Can Jack and Larry be found liable for second-degree murder? Second-degree murder is the unlawful killing of another with malice aforethought. There are two forms of malice aforethought express and implied. Implied malice aforethought is the unlawful killing of another with the intent: to inflict grievous bodily harm, extremely reckless indifference to the value of human life ("abandoned and malignant heart" or "depraved heart murder"), and to commit a dangerous felony. Implied malice aforethought falls under an unintentional homicide. Here, we can apply express malice aforethought which falls under an intentional

homicide. It is the unlawful killing of another with the intent to kill. In this case, Jack and Larry went out with the intentions to find who murdered their friend. Jack wanted to kill the person responsible for the death of their friend, and Larry agreed to go along with the plan. They found Rick who they suspected, but did not know for sure, killed their friend and Jack shot him. The court could also have a finding that Jack and Larry committed an intentional homicide under second-degree murder.

Voluntary manslaughter

Can Jack and Larry be found liable for voluntary manslaughter? Voluntary manslaughter is the unlawful killing of another in the heat of passion and in response to adequate provocation. Two theories fall under voluntary manslaughter: heat of passion and imperfect self-defense. Heat of passion is the sudden and intense passion resulting from adequate cause on the part of the victim that would seriously provoke a reasonable person to react. There must not be enough time to "cool off". In some jurisdictions they require more than mere words, action is needed. Imperfect self-defense is where the person believes themselves or others to be in imminent peril of being killed or suffering great bodily injury. The person believes that the immediate use of deadly force is necessary to defend against the danger; and at least one of these beliefs is unreasonable. Usually the unreasonableness has to do with the aggressor, imminence of the threat, or the reasonableness to use deadly force as opposed to lesser force.

In this case, it is possible that Jack and Larry were acting in the heat of passion. However, the intense passion must be provoked suddenly and resulting from adequate provocation. Here, it can be argued that Jack and Larry were extremely upset by hearing the news of their friend's passing and it provoked them. However, the act of killing Rick was several days later after hearing this news. It could also be argued that they were upset at the time from the funeral; however, Jack and Larry drove around looking for the person who killed their friend allowing enough time to adequately cool off. Imperfect self-defense does not apply because neither Jack or Larry was in imminent peril of being killed or suffering great bodily injury. The court is likely to find that elements of this homicide do not constitute as a voluntary manslaughter.

Causation

In a case discussing homicide, we must evaluate causation. The general requirement for causation is that it must be the cause in fact and the proximate cause. Cause in fact is where the result would not have occurred "but for" the defendant's conduct. Proximate cause is whether there was a difference in the way death was intended or anticipated and the way in which it actually occurred breaks the chain of "proximate cause" causation. Here, Rick would not have been killed but for Jack and Larry's want to kill the person responsible for the death of their friend. The proximate cause of Rick's death were also the actions of Jack and Larry. There were no facts that constituted an intervention of superseding factor.

Conspiracy & Accomplice Liability

If we are to try Jack and Larry culpability separately we must examine conspiracy and accomplice liability. Conspiracy is an agreement, an intent to agree, an intent to achieve the objective of the agreement, and in most jurisdictions--an overt act. Each conspirator is liable for all crimes of the other conspirator if foreseeable and in furtherance of the conspiracy. Conspiracy is not a merger crime so one can be convicted of both conspiracy and the substantive offense. Accomplice liability must be intentionally aiding, counseling, or encouraging the crime. Mere presence is not enough even if the defendant seems to be consenting to the crime by being there. In this case, a conspiracy is formed between Jack and Larry because they made an agreement to go out and kill the person who was responsible for their friend's death. They completed this crime by going out in search of the person. Here, we must discuss whether Larry is considered an accomplice to Jack shooting and killing Rick. Even if Larry did not know that Jack had a gun, he still knew of his intentions and he agreed to them. He drove Jack around to find the person who killed their friend which constitutes as aiding and could perhaps also be considered as encouraging the crime. The court is likely to find that there was a conspiracy and if charged separately, that Larry could be considered as an accomplice.

Defense of Intoxication

Do Jack and Larry have the defense of intoxication? Intoxication can be involuntary and voluntary. Involuntary intoxication, which results from the taking of an intoxicating substance without the knowledge of its nature, under direct duress imposed by another, or pursuant to medical advice while unaware of the substance's intoxicating effect, does not apply here. Voluntary intoxication is the result of the intentional taking without duress of substance

known to be intoxicating. A person need not have intended to become intoxicated. Voluntary intoxication only excuses specific intent crimes if the voluntary intoxication precludes a person from having the specific intent to commit the crime. In this case, the defense can only apply to first-degree murder (see above). If charges are drawn up for first-degree murder Jack and Larry can argue a defense of intoxication. However, it is likely that the court will find that this defense is not applicable because they are able to function properly; such as driving or searching for a person with the intent to kill them.

Conclusion

In conclusion, Jack and Larry could be found liable for either first-degree or second-degree murder under an intentional form of homicide. Although it can be argued that a first-degree murder is sufficient for the killing of Rick, an analysis might be drawn that because they did not know for certain and only suspected that Rick was responsible for their friend's death that it was not adequate premeditation or deliberation. The victim's identity was unknown and the act was sudden although intended. The court is likely to better find for a charge of second-degree murder for Jack and Larry (and if asking separately, accomplice liability is applied).

END OF EXAM

2)

Actus Reus - Physical Act

Defendant must have either performed a voluntary physical act or failed to act under circumstances imposing a legal duty to act. An act is a voluntary movement.

Mens Rea - Mental State

Mens rea is the mental element required at the time a crime was committed. Under Common Law, the types of intent are Specific Intent, General Intent, Malice, and Strict Liability.

Larceny

Issue: Did Dennis commit larceny?

Larceny is trespassory taking and carrying away of the personal property of another with the intent to permanently deprive at the time of the taking. A taking is trespassory if it is without consent or consent was given through fraud. Even the slightest movement is sufficient.

Here, Dennis was walking up and down the street at 2am opening neighbors mailboxes because he was looking for drug money. When he opened the residence mailbox he found a box of checks from Bank of America that he proceeded to take. By opening the mailbox Dennis trespassed and took the box of blank checks to be cashed under his name for his benefit. Therefore, Dennis deprived the owner of their own checks for him to receive money to support his drug addiction with no intention to return the funds.

The jury may find Dennis guilty of Larceny based on the facts given within the case.

False Pretenses

Issue: Is Dennis culpable for false pretenses?

False pretenses occurs when one obtains title to the personal property of another by an intentional false statement of past or existing fact, with the intent to defraud the other.

Here, Dennis obtained the blank checks from a residence mailbox with the intent to use for drug money. He wrote the check to himself for \$1,000. He wrote his name on the payee line and signed the check using the name of the account holder. Here, he provided false information and statements

to the teller at Bank of America. Dennis was successful cashing the check at the bank when he provided false information to the teller, which allowed him to take \$1,000 cash to purchase drugs. Therefore, when Dennis received the cash he committed false pretense crime.

The jury could find Dennis guilty of false pretense.

Burglary

Issue: Did Dennis commit Burglary?

Burglary is the breaking and entering of a dwelling of another at night with the intent to commit a felony therein. Modern law defines burglary as the entry of a structure of another with the intent to commit a felony or theft therein.

Here, Dennis entered Bank of America with the check he made out in his name for \$1,000 to be cashed. Dennis formed intent prior to entering the Bank of America building by signing a blank check he took out of a residence mailbox with the intent to deposit the check for cash. Therefore, Dennis entered a building with prior intent to commit a felony by depositing a residence check.

The jury may find Dennis guilty of burglary.

Robbery

Issue: Did Dennis Commit Robbery?

Robbery is the taking of personal property from a person or in their presence by the use of force or threat of imminent harm, with the intent to permanently deprive. The victim must be aware of the taking during the act.

Here, Dennis was at the residence mailbox where he trespassed to take the blank checks with the intent to deprive the individual from their money. Since, the act occurred at 2am and the resident was not aware that the checks were missing and Dennis did not use force to take the checks the elements of robbery were not completed.

The jury would find Dennis not guilty of robbery.

Slanger

Robbery

Issue: Did Slanger Commit Robbery?

Robbery is the taking of personal property from a person or in their presence by the use of force or threat of imminent harm, with the intent to permanently deprive. The victim must be aware of the taking during the act.

Here, Slanger noticed the money in Dennis pockets as he was walking down the street. Slanger approached Dennis and threatened to kill him and demanded that Dennis hands over the cash. Dennis in fear for his life handed Slanger the cash. Slanger threatened and enforced fear into Dennis demanding him to hand over the money while he was holding a bat. Any property that is on an individual at the time of a robbery is considered the individuals property that is in possession of it.

The jury may find Slanger guilty of robbery by threatening force.

Assault

Did Slanger commit assault against Dennis?

Assault is an attempted battery or the intentional creation, by more than mere words, of a reasonable apprehension of prominent bodily harm.

Here, Slanger hit Dennis made the intention and action to strike Dennis. Therefore, Slanger met the elements of assault by causing bodily harm.

The jury may rule that Slanger is guilty of assault.

Battery

Did Slanger commit battery against Dennis?

Battery is the unlawful application of force to another person causing bodily injury or offensive conduct.

Here, Slanger struck Dennis with a bat and let him fall to the ground. Slanger then proceeded to walk away after causing bodily injury with an inlaw application of force by striking Dennis with a bat.

The jury may rule that Slinger is guilty of battery.

END OF EXAM