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## **Criminal Law**

The University of Oklahoma College of Law  
Course 5223-600  
Spring 2014  
Professor Kit Johnson

### **FINAL EXAMINATION: PART TWO**

#### **Notes and Instructions**

1. The duration of Part Two of this exam is two and one-half hours.
2. The first half-hour of the exam period is a reading period only. This is your time to carefully read the question(s) and organize your thoughts about how to respond. **You may not begin typing or entering into bluebooks any response during these first 30 minutes.**
3. This is a open-book exam. You may use any printed material including, but not limited to, books, commercial outlines, group outlines, and your own notes. You cannot use electronic or interactive resources including, but not limited to, the internet and your cell phone.
4. There is no word, page, or line limit on responses.
5. Do not turn the page until instructed to begin.
6. You will not receive credit unless you return this booklet at the end of the period with your exam number written above.
7. You may write anywhere on the examination materials – e.g., for use as scratch paper. Only answers and material recorded in the proper places, however, will be graded.
8. Your goal is to show your mastery of the material presented in the course and your skills in analyzing legal problems within the scope of the course's subject matter. It is upon these bases that you will be graded.
9. During the exam: You may not consult with anyone – necessary communications with the College of Law staff being the exception. You may not view, attempt to view, or use information obtained from viewing other student examinations or from viewing materials other than your own.
10. After the exam: You may not communicate regarding the exam with any enrolled member of the class who has not yet taken the exam, and you must take reasonable precautions to prevent disclosure of exam information to the same.
11. Base your exam answer on the general state of U.S. law, including all statutes and cases discussed in class.
12. Organization counts.
13. Keep in mind: The weight given to each part is specified, but not all issues within each part will be given equal weight. Thus, it may be entirely appropriate for one issue to be dispensed with considerable brevity, while another might require very detailed analysis. You should divide your time according to which issues require the most discussion and analysis.
14. **Bluebooks:** Make sure your handwriting is legible. I cannot grade what I cannot read. Skip lines and write on only on one side of the page. Please put answers to each section in a separate blue book and label the blue books accordingly. Please write in pen using blue or black ink.
15. **Computers:** Please clearly label your answers to each section.
16. Do not write your name on any part of the exam response or identify yourself in any way, other than to use your examination I.D. number appropriately. Self-identification on the exam will, at a minimum, result in a lower grade, and may result in disciplinary action.
17. Good luck.

Life on Magnolia Lane is full of intrigue. Don't be fooled by the above-average prettiness of the clapboard houses, the perfectly manicured lawns, the smiles exchanged between neighbors, and the gifts of food and sympathy so readily dispensed. The reality is that Magnolia Lane hides secrets. And betrayal.

Aaron Ashton lives at 225 Magnolia Lane. He's an accountant. He's been married to Betty Bainbridge Ashton for seven years. They have two beautiful children. But, lately, things just haven't felt right. Aaron has been working a lot (he's up for a big promotion) and he had hoped that the tension at home was related to his absences. It wasn't. Last Friday night, Aaron found out from a private investigator that Betty has been having an affair with their next-door neighbor, Chuck Constanza, an *artist*. Ugh.

Just moments after getting the news, Aaron decided to kill Chuck. He figured it was the only way to save his marriage. Around 11 p.m. that Friday night, Aaron snuck into Chuck's garage to cut the brake line on Chuck's car. Aaron knew that Chuck often drove his wife Donna Dickerson Constanza to work in the morning, but he fervently hoped that Donna wouldn't be hurt. She's a nice lady. Her cupcakes are to die for!

Around 2 a.m. on Saturday morning, Chuck's daughter, Erin Elizabeth Constanza, unexpectedly fell ill. Chuck and Donna rushed Erin to the hospital in the car with the dissected brake line. About half way to the hospital, Chuck tried to brake for a red light, couldn't, and plunged into an intersection where he plowed headlong into a car driven by Fern Feinstein.

Fern was killed almost instantly. Chuck and his family, though, survived – surprisingly, without serious injuries. Chuck, Donna, and Erin were taken to the hospital where they were treated for sprains and glass cuts.

The police were suspicious of the accident and checked Chuck's car carefully. After investigation, they uncovered Aaron's conduct. The local prosecutor, Pansy Peterson, has charged Aaron with three counts of attempted murder – for Chuck, Donna, and Erin – and one count of first-degree murder for the death of Fern.

Just down the street from the Ashtons and Constanzas, at 333 Magnolia Lane, live the Grondons. Garth Grondon is married to Helen Hunter Grondon. She's his second wife. And they're expecting – a baby girl, due next month.

Garth has two college-aged children from a prior marriage – Isolde Iona and Jacob John Grondon. They're living at Magnolia Lane for the summer.



**FIG. 1:** Aaron Ashton's lovely home is in the foreground. Chuck Constanza's home is in the background.

Isolde and Jacob act the part of loving children and step-children but, beneath the veneer of easy charm and good manners, they are seething. Garth left their mom for Helen – his former secretary. Moreover, this new brat, whenever *she* arrives, is seriously going to cut into their one-day inheritance. After all, Garth is an inventor. He is the man behind touch-screen technology. His patents are worth *billions*.

Isolde and Jacob hatch a plan to do away with their younger sister before she can ever be born. They offer to give Garth and Helen a day of fun before the baby arrives and to clean their house to boot.

On Saturday, Garth and Helen trot off to the spa. Isolde and Jacob vigorously clean the house. They pay particular attention to the kitchen floor – waxing and waxing it until it is exceptionally slippery.

When Garth and Helen return that afternoon, they can't believe their beautifully clean house. Garth heads to the living room to pour himself a scotch (per usual) while Helen trots to the kitchen to put away her purse (per usual). As soon as Helen steps foot on the kitchen floor, her high heels come right out from under her and she falls, flat on her back, hitting her head on the kitchen counter on her way down.

Helen is rushed to the hospital. The doctors try what they can, but she dies. Miraculously, her daughter is delivered by emergency cesarean section and survives. Garth names her, in a fit of black humor, Kalamity Kate (Kam for short).

The EMTs who rushed to the Grondons' house the night of Helen's death were suspicious of the slipperiness of the kitchen floor. They alerted the police who, after careful investigation, fingered Isolde and Jacob. The police discovered texts between Isolde and Jacob discussing their plan in detail – debating, for example, whether it would be better to wax the kitchen floor or the inside of the master bathtub. Pansy Peterson has charged Isolde and Jacob with first-degree murder of Helen and attempted murder of Kalamity.

Down the street from the Grondons, and catty-corner from the Constanzas, live the Lennards at 240 Magnolia Lane. Lisa Lennard is a widow with a young son, Martin Marvolo Lennard. Lisa is a writer. She works from her home, which suits her perfectly. Lisa loves being able to see Martin off to school each morning and to be there for him when he gets home every afternoon.

On Monday, Lisa kissed Martin and sent him off to school with his usual bento-box lunch filled with homemade pinwheel sandwiches and cleverly cut fruits and vegetables. She then sat down to write.



**FIG. 2:** The Grondons' yard is always tastefully landscaped. Their home, however, has been the site of more than one crime.

About two hours into her day, Lisa received an anonymous text:

We R watching U. We have your son. Don't say  
a word.

Lisa screamed. Two seconds later, she received a second message. It was a photo of her son, Martin, holding that morning's newspaper. He looked scared.

**Anon:**



Mon, May 5, 2014, 10:02 AM

That text was soon followed by these:

Do what we ask and you'll have Martin back  
by 3pm.

Go to the Grondons. No one is home. Search  
his office. Find The XRQ File. Take it. You  
have 1 hour. Tell no one.

Lisa was terrified, but she knew what she had to do. Anything to save Martin. He was all she had left. She'd lost a husband; she wasn't about to lose a son.

Lisa called her best friend, Nancy Nolan. She asked Nancy if she would come with her to deliver some baked goods to the Grondons. That family had been through so much in the past few days! Nancy agreed and was over in a jif – after all, Nancy lives just down the road at 415 Marigold Lane.

Lisa and Nancy walked to the Grondons together. When they found no one home, Lisa told Nancy: "You know what, why don't I just leave these in the kitchen. I've got a spare key to the back door. Would you mind ringing the doorbell if the Grondons come home? I'd hate to scare them by being in the house unexpectedly." Nancy thought this was a fine idea and waited on the front porch. Lisa went to the back, broke a window, and entered the Grondons' home. She found Garth's office, and looted it furiously, looking for "the XRQ file." She found a regular manila envelope with "XRQ" printed on the cover. Thinking this must be it, she grabbed the file, stuffed it under her shirt, and left. Lisa left the baked goods from herself and Nancy on the back porch, returned to Nancy, and they went back to their respective homes.

Lisa had just walked into her house when she hear the familiar ding of a text:

Good job. Leave the file under your front porch doormat. Go to your bedroom. Do not look out the windows.

Lisa followed these instructions to the tee. An agonizing 15 minutes later, she received another text.

Answer your front door. Never speak of this to anyone or we will return.

No sooner had Lisa read this text then her doorbell rang. She hopped off her bed and sprinted to the door. It was Martin. He was standing on her front porch, looking a little perplexed and holding an ice cream cone. Lisa grabbed her son and dragged him into the house, holding him so close he could hardly breathe.

As soon as Garth Grondon returned home (he'd been busy with funeral arrangements for Helen and still reeling from the arrest of Isolde and Jacob), he noticed the looted office and discovered his XRQ file was missing. He, too, soon received an anonymous text. The text Garth got demanded money in exchange for the file (which contained Garth's ideas for another new technological breakthrough). Unfortunately for the blackmailers, Garth's new technology involved rapid tracing of anonymous cell phone text messages. Garth quickly looped in the police and they went to the home of Ophelia Orenthal and Quincy Quentin, two former (and disgruntled) employees of Garth's tech start-up. When Ophelia and Quincy heard the police organizing outside their home, they held hands, swallowed cyanide pills, and died.

The police found Garth's XRQ file inside Ophelia and Quincy's house. But they weren't content just to recover the file. They also fingerprinted it. And, when they did, they found Lisa's prints. Garth connected Lisa to the baked goods she and Nancy had left on the back porch around the time of the break in.

Pansy Peterson has charged Lisa with: (1) burglary, which is defined by statute as the "breaking and entering the dwelling house of another with the intent to commit a felony therein;" (2) larceny in the first degree, which is a felony defined by statute as "wrongfully taking, obtaining or withholding property from an owner thereof with intent to deprive another of property or to appropriate the same to himself or to a third person;" (3) conspiracy to commit burglary; (4) conspiracy to commit larceny; and (5) felony murder of Ophelia Orenthal and Quincy Quentin. Pansy charged Nancy Nolan as Lisa's accomplice in each of the above crimes.

## QUESTION

Analyze the foregoing. How hard will it be for Pansy Peterson to obtain the convictions she desires? Are there issues that she should consider? How about other charges that she might bring?

In assessing the legal issues that arise from the above facts, organize your response as follows, clearly labeling the subparts:

Subpart A: Discuss any issues concerning Aaron Ashton.

Subpart B: Discuss any issues concerning Isolde Iona and Jacob John Grondon.

Subpart C: Discuss any issues Lisa Lennard.

Subpart D: Discuss any issues concerning Nancy Nolan.

Subpart E: If there is anything else you wish to discuss, which does not belong in any of subparts A through D, please put it under this Subpart E.

Keep in mind the subparts will not be given equal weight. The subpart structure is provided for organizational purposes only. It may be entirely appropriate for one subpart to be answered with considerable brevity, while other subparts might require very detailed analysis. Pace yourself appropriately, and plan ahead to put information where it belongs.

Finally, avoid needless repetition. Do not repeat the exact same analysis with substituted parties. You may incorporate analysis by reference to another portion of your exam answer to the extent appropriate.

### **Some suggested abbreviations for your answer:**

AA:	Aaron Ashton	JJ:	Jacob John Grondon
BB:	Betty Bainbridge Ashton	KK:	Kalamity Kate
CC:	Chuck Constanza	LL:	Lisa Lennard
DD:	Donna Dickerson Constanza	MM:	Martin Marvolo Lennard
EE:	Erin Elizabeth Constanza	NN:	Nancy Nolan
FF:	Fern Feinstein	OO:	Ophelia Orenthal
GG:	Garth Grondon	PP:	Pansy Peterson
HH:	Helen Hunter Grondon	QQ:	Quincy Quentin
II:	Isolde Iona Grondon		

**END OF EXAMINATION**