

## Criminal Exam 17

Rufus was angry. He didn't know why. He was just angry. He saw Milton coming down the street and he started screaming at him.

"Hey Milton! I'm gonna get you!" Rufus yelled. Milton was scared.

"Woah, calm down," Milton said, "Look here, I just stole all of this candy from this baby around the corner. Let me give you some."

Rufus took the candy and felt a little better, but then saw a shiny gold watch on Milton's arm.

"Gimmie that watch" Rufus said.

"No way," said Milton.

Rufus and Milton then began struggling over the watch. Rufus struck Milton with an elbow, but could not get it off.

"Give me that watch or I'll kill you!" Rufus screamed.

Milton was scared now and gave Rufus the watch. Rufus decided that he didn't want Milton talking to anyone right away so he grabbed him, dragged him into the woods and tied him up.

What common law crimes is Rufus guilty of? What are his defenses?

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## **Example Answer:**

### Assault

Is Rufus guilty of assault?

Assault is an attempt to batter or intentionally placing another in fear of imminent bodily harm. Assault is a specific intent crime requiring an intent to batter or place another in fear of a battery.

Here Rufus screamed at Milton that he was going to “get” him. The fact that Rufus was screaming and the fact that Milton was scared is evidence that a reasonable person would be in fear of imminent bodily harm.

Rufus is guilty of assault.

### Receiving stolen property

Is Rufus guilty of receiving stolen property?

Receiving stolen property is the taking possession of stolen property, knowing the property is stolen. Receiving stolen property is a specific intent crime requiring the intent to deprive the true owner of his property.

Here Rufus took the baby’s candy knowing that Milton had stolen it as Milton said he had stolen it.

Rufus is guilty of receiving stolen property.

### Battery

Is Rufus guilty of battery?

Battery is an unlawful application of force to the person of another that results in physical harm or an offensive touching. Battery is a general intent crime requiring only an intent for the force, not the physical harm or offensive touching.

Here Rufus tried to grab Milton’s watch and stuck him with an elbow. Both of these actions are an unlawful application of force which resulted in an offensive touching to Milton. Rufus appears to have intended to grab Milton as he was attempting to grab Milton’s watch.

Rufus is guilty of a battery.

## Robbery

Is Rufus guilty of robbery?

Robbery is a larceny where the personal property is taken in the presence of the owner by force or threat of force. Robbery is a specific intent crime requiring an intent to steal a particular item.

Here Rufus told Milton he would kill him if he did not give him his watch. Threatening to kill is certainly a threat of force; Milton was present; and the threat of force was used to take Milton's personal property, his watch.

Rufus is guilty of robbery.

## Kidnapping

Is Rufus guilty of kidnapping?

Kidnapping is the unlawful confinement and moving of victim or the unlawful confinement of victim in secret. Kidnapping is a general intent crime requiring only an intent to unlawfully confine the victim.

Here Rufus grabbed Milton, which is a confinement and he moved the victim to the woods which is a moving. Rufus intended to confine and move Milton and therefore had the requisite intent for kidnapping.

Rufus is guilty of kidnapping.