

Criminal Exam 18

It was a beautiful sun shiny day. The perfect day for a crime, thought Alex. When Alex saw Matt walking down the street, he asked Matt to help him burn down the old Peterson house.

“Come on,” said Alex, “It will be fun.”

Matt refused.

“Well then,” Alex said, “Why don’t you give me your blow torch to use?”

Matt refused again.

“You know what?” said Alex, “this is getting real tiring. Get me your blow torch or I’ll go to your house and kill your dog!”

Matt got Alex his blowtorch. This made Alex happy. He set off to the old Peterson house right away. Matt smashed through the one of the Peterson’s door and went inside the house. Matt lit the blow torch and started torching the floor. The floor burned a little, but Alex couldn’t get a good fire started. Alex left the Peterson house disappointed.

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

Example Answer:

Solicitation

Is Alex guilty of solicitation?

Solicitation is asking another to commit a crime. It makes no difference whether the other person agrees to the request. Once the question is asked, the crime is completed.

Here Alex asked Matt to help him commit arson. It makes no difference that Matt refused to help with the arson. Simply asking Alex complete's the crime.

Alex is guilty of solisitation.

Extortion

Is Alex guilty of extortion?

Extortion is the taking of property of another with the threat of future harm. Extortion is a specific intent crime requiring the intent to take property of another.

Here Alex threatened to kill Matt's dog if he didn't provide him the blowtorch. Killing of a dog is future harm to Matt's property and exchange for not killing the dog Alex got Matt to give him his blowtorch. This is extortion.

Alex is guilty of the crime of extortion.

Burglary

Is Alex guilty of burglary?

Burglary is the breaking and entering of the home of another at night with the intent to commit a felony inside. Burglary is a specific intent crime requiring that the intent to actually commit a felony inside the home.

Here Alex did break into the Peterson's home by smashing in a door and Alex had the intent to commit a felony, namely arson inside. The facts, however, indicate it was a bright sunny day. Because these events did not take place at night Alex is not guilty of common law burglary.

Arson

Is Alex guilty of arson?

Arson is the malicious or reckless burning of the dwelling of another. Arson is a general intent crime requiring only the acting of malice or recklessness.

Here Alex lit the floor on fire ever so slightly. The amount of the burning is not important in determining someone's guilt when evaluating arson. The use of a blowtorch was at least reckless, the Peterson's house was the home of another and the fact that the floor was burnt some shows that a burning occurred.

Because Alex recklessly burned the dwelling of another Alex is guilty of arson.