CRIMINAL LAW FINAL EXAMINATION

I.

Helen and Arthur Burress were married in 1968. They had a rough marriage, characterized by allegations of infidelity, violence and heavy drinking. Arthur would routinely beat Helen, then cry and apologize. Helen always forgave Arthur, but she was finding that increasingly difficult.

On November 5, Helen and Arthur had a fight. Both had been drinking heavily. Arthur beat Helen so severely she was hospitalized for two days.

On November 12, Arthur again beat Helen. Later that night as Arthur was watching television, Helen took the family shotgun and shot Arthur, killing him.

What crime(s) might Helen be charged with? Explain. What defenses might she assert? Will she be successful?

II.

Arturo was the kingpin of an organization that imported and sold illegal drugs, including cocaine. Arturo was primarily in charge of negotiating large bulk purchases from Central American sources. He had many agents on the retail sales end.

Bonnie, a student at the local high school, sold cocaine at the school. She sold the cocaine out of her locker. She shared the locker with Carol. One day the principal got a tip that Bonnie was selling drugs. They searched the locker and discovered two grams of cocaine.

Carol and Bonnie had shared the locker for 3 months. Bonnie kept a lockbox on her shelf in the locker, and Bonnie told Carol never to touch the lockbox. Many students inquired frequently of Carol when Bonnie would be at her locker. Carol never looked in the lockbox. She did not know if it was locked or not.

Daisy was a friend of Arturo. They had known each other many years. One day Daisy was approached by Paul. Paul wanted to buy some cocaine. Daisy said she did not have any. Paul begged Daisy, saying she must know of somewhere he could get some coke. Paul offered Daisy $1100 for an ounce of coke, although the street price was about $600 an ounce. Daisy said she was sorry, she did not know what to tell Paul.

Paul took Daisy out that night to a fine restaurant. They developed a dating relationship over the next several weeks. Paul kept asking about some cocaine. Finally, Daisy gave Paul the name of one of Arturo's associates to contact about buying some cocaine. Unfortunately, Paul was an undercover agent, and Daisy was arrested.

Arturo was in the market for a new bulk purchase of cocaine. He heard of a new wholesaler in South Florida, Pablo. He contacted this new source and arranged a meeting at a motel in Atlanta. At the meeting, Arturo turned the money over to Pablo and took delivery of 6 kilos of cocaine. As it turned out, worse luck for Arturo, the powder was not cocaine but powdered sugar, and Pablo was working for the federal government. Arturo was arrested.

The motel where the meeting took place was on the beltway in Atlanta. The owner (Everett) charged $40 an hour for a room. The owner noticed that many cars in the parking lot
had Florida plates. Once when he entered one of the rooms that had been rented for an hour, he found a scale and traces of white powder. Everett told his night clerk that he did not care what people did in the rooms as long as they paid their money up front in cash.

Discuss the criminal liability of Arturo, Bonnie, Carol, Daisy and Everett.