

Criminal Law Bar Exam Practice Questions With Correct Answers 2023

When does a state have jurisdiction to prosecute a crime? - Answer state may prosecute crime if significant portion of prohibited CONDUCT or RESULT occurred in that state

Merger - Answer -one crime is subsumed into another → can be CHARGED, but cannot be CONVICTED of both

- Lesser-included offenses DO merge into greater-included offenses (e.g. crime w/ elements AB merges into crime w/ elements ABC)
- Conspiracy does NOT merge into the target offense
- Solicitation and Attempt DO merge into the target offense

Burden of Proof (generally) - Answer BEYOND A REASONABLE DOUBT is the burden the state bears for every element of a crime

Actus Reus (AR) - Answer 1) PHYSICAL or EXTERNAL component

- i) prohibited conduct (e.g., speeding)
- ii) prohibited result (e.g., killing)
- iii) attendant circumstances (e.g., age of victim)

2) VOLUNTARY ACT

3) an OMISSION which violates a legal duty

-generally, NO LEGAL DUTY to act or aid

Situations in which a Legal Duty to Act may arise: - Answer i) statute (e.g., paying taxes, reporting child abuse)

- ii) contract (e.g., nurse, nanny)
- iii) relationship (e.g., parent, spouse)
- iv) assumption of care (e.g., Misery)
- v) creation of peril (e.g., hitting pedestrian)

Mens Rea (MR) - Answer MENTAL or INTERNAL component of a crime

specific intent crimes - Answer -purpose or object

-the manner in which the crime was committed may provide circumstantial evidence of intent

the major specific intent crimes - Answer 1) 1st degree murder

- 2) assault
- 3) inchoate offenses
- 4) solicitation
- 5) attempt
- 6) conspiracy

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Mike Jess



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