

Criminal Law-Chapter Six Assessment

In each of the following scenarios, the claim of “defense” might be applied. Your task is to determine if an affirmative defense is applicable and whether the defendant has a valid claim in each case. If the claim is unsupported by the facts, you need to explain WHY the affirmative defense fails.

1. Richard and Martha were married for 16 years. Over the time of their marriage, Martha spent excessively and constantly criticized Richard. One night, Richard stabbed Martha numerous times, killing her. At trial, Richard claims that he was sleepwalking when the act occurred and he suffered from a dissociative mental state.
2. Amanda suffers from *manic-depressive disorder*. After filling up her gas tank, she drives away from the gas station without paying. A gas station attendant follows her on a motorcycle. Trying to escape him, she drives at over 80 mph and runs stoplights. Her reckless driving leads to an accident that kills another driver.
3. Jay and a group of friends are playing cards at his house in Los Angeles. All of them are drinking beer, but Bob is drinking much more than others. Bob drinks so much that he has to retire from the card game in favor of snoozing on the couch. While the others are still playing, he gets up and goes to use the bathroom. Before getting drunk, Bob had intended to steal Jay's wallet if he happened to see it laying around. On his way out of the bathroom—at this point drunk—Bob notices Jay's wallet on a banister. He mistakes the wallet for his own because he's drunk, so he picks it up. After being dropped off at home and waking up the following morning, he realizes that he has two wallets: his and Jay's.

4. Mindy has a younger brother who is a high school student. He begins asking her for marijuana so that he can sell it to a new friend (who, unbeknownst to either of them, is a “narc”). Mindy is not a marijuana user or dealer, nor does she use or sell any other drugs. Mindy tells him no. Her brother persists in asking for marijuana, as the undercover officer continues pressuring him to get some. Finally, out of sympathy for her brother (who is having difficulty making friends at school), Mindy agrees to try to get some and is ultimately able to do so. Mindy is arrested.
5. Larry had been married to a Nigerian woman and then, prior to the divorce being finalized, he married a woman in Texas. He answered a question on a naturalization form that he had never been married to two women at the same time. The defendant claimed that he could not be guilty of making a false statement because a bigamous marriage, under Texas law, was void, therefore he was never actually married to the woman in Texas. The government moved to bar this defense on the theory that it represented a “mistake of law” defense. Larry was charged with making a false statement on a naturalization document.
6. Jerry is sleeping over at Jenny's house before a big family wedding the next day. Jenny is really into aromatherapy and has lots of oil diffusers around the house. In Jerry's room Jenny puts an oil designed to aid sleep into a diffuser and it sends him to sleep quickly. A couple of hours into the night however the scent of the oil triggers a strange reaction in his brain. He gets up, still asleep and walks into Jenny's room. She wakes up see's Jerry standing there and asks him what he is doing. Jerry lashes out and pushes her away. The force of hitting here wakes him up and he is shocked and confused by his behavior. The next day at the wedding, Jenny's boyfriend

Phil sees her broken nose and black eye and learns what happened the night before. He is furious with Jerry and wants to confront him and give him a broken nose and a bruised face of his own to make up for what has happened to his girlfriend. Phil is 5'4" and Jerry is over 6'4. Phil is a little intimidated by this so decides to have a whiskey before he confronts Jerry in order to calm his nerves and make him seem more confident. It is an open bar and the whiskey is strong. Phil enjoys his drink so much he has another, and another, until he has drunk most of the bottle. He stumbles away from the bar into Jerry and smacks him hard, breaking his nose and cutting his eye. Phil is so drunk at this point he has little control over what he is doing and is not actually even really aware of who Jerry is.

In each case, it is critical that you Work The Facts (WTF) to explain your legal reasoning.