**Suffolk University Law School**

[Criminal Law] Modified Closed Book Exam

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Student Exam #: \_\_\_\_\_\_\_\_

**General Instructions**

1. You are permitted to have **three** 8 ½ by 11 pieces of paper of any content you choose.
2. The examination consists of 15 multiple choice questions worth 2 points each and two essays worth 35 points each.
3. Pay attention to the point values allocated and pace your time accordingly. You cannot get more than the allotted points for a section, even if your answer is out of this world good.
4. Your goal for this exam is to apply the information and skills that we have developed in class to a novel fact pattern. Your goal should not be regurgitating your notes or giving me the answer you think I want.
5. Formal citation is not required, though you should make any references you make clear enough that I’ll know what you’re talking about.
6. Assume federal jurisdiction.
7. Although the fact patterns of the two essays are linked, you should treat them as distinct. Do not allow assumptions you make in Essay I to dictate your analysis or assumptions in Essay II.
8. If, as you answer the essay, you feel the need to make an assumption that is not specifically included in the fact pattern, please clearly state what assumption you are making and why you are making it.
9. Remember: your goal is to do your own best work, take a deep breath. You’ll do great.

**[Multiple Choice Questions, redacted]**

**Essay I**

Abe, Len and Jen were childhood friends. Ten years ago, Abe and Len engaged in a string of bank robberies. While committing these robberies they wore clown masks and always entered the banks at noon. Abe would proceed straight to a teller, point a gun at him or her and demand the money. Len would stand by the door to make sure no one came in. After a couple of months, the two were caught and ultimately pled guilty to numerous counts of bank robbery. They were released yesterday.

Jen now works at the Boston Savings and Loan (BS&L). Reading in the paper that Abe and Len were released from prison, she decides to stop by their house and say hello. While she is there, the conversation turns to Jen’s current job and Abe and Len begin to ask a number of questions about her work. Jen is all too willing to discuss her work as she is deeply unhappy at her job.

The three ultimately decide to help each other out by robbing the BS&L. They agree that Abe and Len will rob the bank the next day.

Abe and Len reach out to their previous associates to find someone who could drive the getaway car. They visit Sam, who used to hang out with Abe and Len before they went to prison. Since then he has married, gotten a job and has a small baby. Sam, while happy to see his old friends is wary of being drawn in to their current plans. Initially he refuses to participate. Abe mentions how burdensome a family can be and suggests that Sam would be better off without his wife and child. Sam felt that this was a threat to his wife and child. He agrees to drive the getaway car.

The next day Abe and Len meet Sam at his house. Sam’s car is having trouble, so he takes his wife’s car. The three drive to the BS&L. When they get there, Abe and Len don ninja masks. They enter the bank, and Abe proceeds straight to the teller window where Jen is working while Len guards the door to make sure no one enters. Although he is wearing a coat, Len appears to have something the size and shape of a gun in his pocket. Abe asks Jen, in a very gentle tone of voice, to please put all of her money in the bag. After she finishes this task and hands the bag back, Abe starts to walk towards the exit. At this exact moment the bank guard notices what is going on and orders Abe to stop or he’ll shoot. Abe starts to run, the guard shoots and hits a bystander, killing him.

Abe and Len run towards Sam’s car and the three peel away. Hearing on the radio about the robbery, a patrol car in the area decides to pull over the next car that they see, which just happens to be Sam’s. After they are pulled over, the police officer approached the car, and notices Len in the backseat making furtive movements in the pockets behind the driver’s seat (where Sam is sitting). Ordering the men to get out, the officer searches the car and discovers a gun with a missing serial number in the driver’s seat back pocket. He also discovers a large quantity of cocaine in the pocket behind the passenger seat (where Abe was sitting).

Abe, Len and Sam are arrested.

*Discuss the potential legal liability of Abe, Len, Sam and Jen. Assume federal jurisdiction.*

**Essay II**

Rightly or wrongly, Abe, Len, Sam and Jen are all convicted of something and sent to prison.

Abe is assigned to a cell with Bob. Carl is housed three cells down from theirs. He takes an immediate disliking to Abe and starts to harass Abe constantly. He yells at him in the food line at the cafeteria, pushes and shoves him in the exercise yard, and one night threatens him with bodily harm in the showers. The next day, security footage shows Abe leave his cell, walk down the hallway and enter Carl’s cell. It shows him exiting one minute later and walk back to his cell. A couple of minutes later the footage shows Bob exit the cell and walk across the common room to deposit something in a trash can. Guards later find a homemade knife (specially constructed in a method that would have taken years to make) covered in Carl’s blood. They find Carl dead in his cell from a stab wound to his stomach.

Jen is sent to a women’s prison upstate. Because of her experience in banking she is quickly given a position of considerable responsibility in the warden’s office. The night before the prison’s budget is due, Jen stays late to help prepare the paperwork. Once their work is done, Jen starts to leave. The warden, Dan, stands against the door and suggests that she stay. He puts his gun on a nearby bookcase. The two proceed to have sexual intercourse. Jen, distraught over what happened, starts hitting her roommate (Lucy) with a pillow in the hopes that she will be sent to a maximum-security prison away from Dan.

Sam, distraught at being separated from his wife and child begins to act erratically in prison. His behavior ultimately lands him in solitary confinement where he deteriorates further. He is sentenced to more time in solitary and ultimately spends a number of years in solitary confinement. A prison psychologist finally realizes that solitary confinement is not helping Sam and suggests that he reenter the regular population. By this point Sam is regularly conversing with imaginary voices. The voices tell him that an inmate named Jon is the only thing preventing him from being reunited with his wife and child and that he should eliminate Jon. The next time Sam sees Jon in the cafeteria he attacks and strangles him. Jon dies.

Len is placed in a cell with Andy who, unbeknownst to him, is an informant to the FBI who has agreed to collect information on the illicit trade in narcotics occurring in the prison. Andy talks to Len about narcotics. Len used to be addicted to Oxycontin in his youth but went through drug treatment the first time he spent time in prison. All of Andy’s talk about drugs reminds Len about how much he enjoyed being high and he becomes desperate to have some drugs. He asks Andy how to acquire some. Andy is all too willing to help and says that he just has to agree to deliver some to another prisoner (Mark) the next day in the exercise yard. Len agrees, and in exchange is given a week’s worth of the drug for his own personal use. Len quickly becomes re-addicted to the drugs and continues to deliver drugs for Andy to a number of inmates. He ultimately becomes so desperate for the drugs that he begins to make some in a kitchen cupboard while on kitchen duty. Andy helps find buyers for these drugs as well.

*Discuss the legal liability of Abe, Len, Sam, Jen and Dan. Assume federal jurisdiction.*