

**QUESTION 6 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK II OR IN EXAMPLIFY ANSWER SCREEN 6**

Jack and Jill were driving from Southwest Michigan to Northern Michigan in their brand new sports car. Jack had been driving for about four hours, was thirsty and told Jill he wanted to stop and get a soda. It was just starting to get dark. Jack pulled off the expressway in a very rural area into a gas station with a convenience store. Jack parked his car near the front door of the station with the driver's door facing the station. Jack asked Jill if she wanted anything and Jill said "No."

Jack exited the running car which had the key in the ignition. Jack did not completely shut the driver's door. Dan was in the station and was watching Jack. As Jack walked into the station Jill called out to him, "get me a water." Jack did not respond. Jill was unsure if Jack heard her. She watched Jack go to the cooler and then to the cash register carrying only a soda. Jack paid for the soda and started to the front door. Jill turned to get out of the car to get her water.

As Jack walked to the front door, Dan quickly walked to the door and cut aggressively in front of Jack, slightly bumping him. Jack was startled and stopped quickly to let Dan proceed out the front door in front of him. Another customer entered through the front door after Dan and in front of Jack. Jack waited for that customer to enter the store then started to exit the store. Jack saw Dan jump directly into the driver's seat of his sports car, just as Jill shut the passenger door from outside the car. Dan drove off in the car. Jack chased after the car on foot and Jill went into the station to alert the cashier.

The cashier watched the incident unfold and quickly called the police. The cashier gave the police a description of Dan and the car and the direction Dan went. The police found the car abandoned about three miles away at a house party. The police arrested Dan inside the party. Dan told the police he only took the car to get to the party because it was too far to walk and he did not use force on anyone.

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Dan was charged with carjacking. Dan argues he cannot be guilty of that offense because the elements cannot be established.

1. Under Michigan law is Dan correct?
  2. What are all the elements of that crime and how do they apply?
- Explain your answer.