

QUESTION 10 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV

On December 22, 2010, Dan Defendant made a withdrawal from an ATM machine from his own bank account. He put the money in his pocket and turned around. Ronald Graham was standing in line behind him, and was a much bigger man (in both height and weight) than Dan. Lynn Tracy was in line behind Ronald and was in an obvious hurry, so Ronald let Lynn use the machine ahead of him. Dan continued to count his money as Lynn made her withdrawal. After withdrawing her money, Lynn hurriedly walked away and unknowingly dropped two twenty dollar bills. Ronald quickly picked up the dropped money. After. Ronald picked it up, Dan said, "I'll give it to her." Ronald said, "No, I'll give it." Dan then put his hand in his coat pocket and 'said, "I said I'll give it to her. I have a gun," and took the two twenty dollar bills from Ronald. Dan ran in the direction of Lynn, and once he caught up with her, handed her five dollars and said, "You dropped this." Dan then walked away quickly. In the meantime, Ronald called the police and walked toward Lynn. When he reached Lynn he said, "You dropped forty dollars. How much did he give you?" Lynn said, "Five dollars." Ronald then ran after Dan. Dan, seeing that Ronald was running at him, picked up a large tree branch and swung it at Ronald, stating "Get away from me." Ronald stepped back just quickly enough for Dan to miss him. Dan ran. The police arrived and arrested Dan.

The prosecution charged Dan Defendant with armed robbery and felonious assault. **Discuss whether the above facts introduced at trial support a conviction of the crimes charged beyond a reasonable doubt.**

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