

CHAPTER 11 ACTIVITY
Application (continued)GLENCOE
STREET LAW
A Course in Practical Law**Case 6**

One gang threatened Sergio that they would kill his mother if he did not join their gang. To join their gang, he was required to steal liquor from the liquor store. He steals the liquor and is caught.

1. What defense, if any, does Sergio have to the charge of theft?
2. Will he be successful? Give your reasons.

Case 7

A wildfire burns across a 50-mile area. To escape the fire, Marcus and Jennifer cross Nathan's land, even though it is posted with no trespassing signs.

1. What defense, if any, do Marcus and Jennifer have to the charge of criminal trespass?
2. Will they be successful? Give your reasons.

Case 8

Roz, who hates dogs, drove down the street at the posted speed limit. A neighbor's dog ran out in front of her, and Roz could not stop. She killed the dog.

1. What defense, if any, does Roz have to the charge of animal cruelty?
2. Will she be successful? Give your reasons.

Case 9

The police arrest Tanya, who fit the description of a car thief. Tanya's mother states that Tanya was home all night with her.

1. What defense, if any, does Tanya have to the charge of theft?
2. Will she be successful? Give your reasons.

Case 10

Gabe and Alan have had conflicts for years. One day Alan attacks Gabe for no reason. Gabe strikes back and stops Alan from attacking. Gabe continues to pound Alan several more times before he stops.

1. What defense, if any, does Gabe have to the charge of assault?
2. Will he be successful? Give your reasons.

Case 11

Margaret gets off an airplane and grabs her laptop from the overhead bin. She discovers when she is on her connecting flight that she has grabbed someone else's computer.

1. What defense, if any, does Margaret have to the charge of theft?
2. Will she be successful? Give your reasons.

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Directions: Review the defenses to criminal cases on pages 126–132 in the Student Edition. Then select the defense that seems most appropriate to each case below. Predict whether each defendant will be successful with the defense, and give reasons for your prediction. Write your answers on a separate sheet of paper.

Case 1

Mwamini, who is six years old, took her father's loaded gun and killed her three-year-old brother.

1. What defense, if any, will Mwamini likely use?
2. Will she be successful? Give your reasons.

Case 2

Bill got drunk to work up the courage to shoot his ex-wife. He shoots her but does not kill her.

1. What defense, if any, does Bill have to a charge of assault with intent to kill?
2. Will he be successful? Give your reasons?

Case 3

At the time that Stanley killed his mother, he was having a psychotic episode and believed his mother was a lion trying to kill him.

1. What defense, if any, does Stanley have to a charge of murder?
2. Will he be successful? Give your reasons.

Case 4

After Harry's arrest for robbery, his mental condition went from functioning to nonfunctioning. He no longer can help his lawyer defend him because he is no longer competent.

1. What defense, if any, does Harry have to the charge of robbery?
2. Will he be successful? Give your reasons.

Case 5

Kamal used to be a drug addict, but he has been clean for six months. An undercover police officer approaches him and pressures him to find drugs for the officer to buy. Kamal refuses several requests before finally giving in to the intense pressure. He gets some crack cocaine for the officer.

1. What defense, if any, does Kamal have to the charge of illegal drug sales?
2. Will he be successful? Give your reasons.