

QUESTION I: Achy-Breaky Angst (Approx. 2 hours, 20 minutes/66 Points)

Ally was a teenage singing sensation who lived in Sweet River Town, Youta, with her father, **Bobby Ray**, a one-time music star himself, and her much younger brother **Chris**. Ally had enjoyed a steady climb to the top of the charts due largely to Bobby Ray's careful orchestration of her career. As her manager, he allowed her to sing only noncontroversial ballads and to endorse family-friendly products. By the age of 19, though, Ally was eager to rebel – and to transform her image from that of the girl next door to something edgier. One day she entered a liquor store determined to purchase alcohol even though she believed you had to be over the age of 21 to do so. She picked up a bottle of whiskey and approached the clerk. Before she could begin the transaction, however, she noticed a security camera in the far corner. She abruptly turned around and left, vowing not to buy alcohol until she was old enough to do so legally.

Notwithstanding her experience in the liquor store, Ally was still keen on rebelling. She knew Bobby Ray kept bottles of prescription painkillers in an unlocked medicine cabinet in the bathroom. He had suffered a rash of aches and breaks over the years as a performer and relied on the painkillers to provide relief. Ally asked Bobby Ray if she could try them. He responded “No way. They're addictive!” She sighed and tried a different angle. “What about marijuana? I know you smoke it and it's not addictive. Come on, Dad. If you don't help, I'm going to find some myself.” Bobby Ray knew his daughter well enough to know that she would try to obtain drugs on her own and that she was naïve enough to either get caught or buy adulterated product. “Okay,” Bobby Ray muttered. Bobby Ray called his drug dealer, **Donna**, and made arrangements to purchase a small amount of marijuana. Bobby Ray had dealt with Donna many times before, and trusted her and the quality of her merchandise.

Ally and Bobby Ray took Bobby Ray's car to Donna's apartment, leaving Chris home alone. After arriving at their destination, Bobby Ray paid Donna for three marijuana

cigarettes. Bobby Ray then handed all of the marijuana, a matchbook, and his car keys to Ally. “Here you go, honey. Use wisely. I am going to stay with Donna and hang out.”

Ally returned to the car and started smoking a marijuana cigarette. As it turned out, this batch of marijuana was far more potent than anything Bobby Ray had ever acquired from Donna previously. Within minutes, Ally was hallucinating. She was aware that she should not drive, but she could not stop herself from starting the car. After driving for a few blocks, Ally lost control and veered onto the sidewalk, hitting a fire hydrant. Water burst from the fire hydrant in a violent stream. The water struck an elderly man named **Ernest** in the chest, hurtling him through a storefront window and killing him. The police rushed to the scene and found Ally unconscious but still breathing in her father’s car next to the fire hydrant.

While Ally and Bobby Ray were away from their home, Chris retrieved the prescription painkillers from the medicine cabinet and swallowed dozens of pills under the assumption that they were vitamins. He passed out and died.

Youta follows the **Model Penal Code (MPC)**. In addition, Section 100 of the Youta Criminal Code (YCC) provides that it is a crime to “consume alcohol under the age of 20.” YCC Section 200 also criminalizes the “knowing purchase of marijuana.” Please assess what crime(s) might be charged against **Ally** and **Bobby Ray**, and what obstacles prosecutors face in convicting the potential defendants. In evaluating the issues in this case, you should feel free to refer to case law from non-MPC jurisdictions if it aids your analysis. You need not discuss MPC provisions that we did not cover in the course.

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QUESTION II: Solid Gold (Approx. 1 Hour, 10 Minutes/34 Points)

Please assume that Ally and Bobby Ray were not convicted of any potential crimes in Question I. Ally's career nevertheless suffered as a result of the negative publicity surrounding her efforts to rebel. Ally and Bobby Ray moved to Less Vegas, Neurota, in search of a fresh start. Bobby Ray, who remained her manager, found very few opportunities for his daughter. Ally, who was by now in her early twenties, resorted to singing show tunes at the Winn Casino on the Less Vegas Strip wearing embarrassing, gold-colored costumes in an act billed as "Golden Child Gone Bad." **Frank**, the Winn employee in charge of entertainment, wanted the show to be successful but felt constrained by his rather meager marketing budget. One day he asked Ally for some old outfits that she had worn during her superstar days for him to sell on the internet. He promised to use the anticipated proceeds to supplement the marketing and publicity for her act. She turned over the outfits to Frank. Instead of selling them on-line, though, Frank bartered them for gambling chips; his goal was to earn enough money gambling not only to provide the marketing support he had promised to Ally but also to cover personal gambling debts that he had incurred at another casino. Regrettably, he lost everything at the blackjack table.

Ally and Bobby continued to struggle financially. Bobby Ray, who was much taller and heavier than Ally, constantly berated her and blamed their situation on her "childish" decisions. On one occasion they were arguing late at night at their house. Bobby Ray picked up a gold trophy that Ally had won years before and waved it above her head. Ally stared at the golden object flickering inches above her; she became fearful for her safety and increasingly bitter about a lifetime of fatherly pressure. She grabbed a nearby lamp and smashed it over Bobby Ray's head, giving him a severe concussion.

Bobby Ray stayed in the hospital for several days. He appeared to be improving until a doctor administered a slightly elevated dosage of painkillers, an amount in excess of what most doctors would have prescribed. Given his history of abusing painkillers, Bobby Ray responded poorly to this dose and died.

The State of Neurota has NOT adopted the Model Penal Code. Neurota Criminal Code Section 300 defines assault in the second degree, a felony, as “intentionally causing physical injury to another.” Please assess what crime(s) might be charged and against whom, and what obstacles prosecutors face in convicting the potential defendants.

End of Examination. Congratulations!