CJ 320 Rough Draft Class Assignment

You are clerking for a trial court judge. The judge anticipates an interesting jury trial with a couple of substantive criminal law issues. Your task is to prepare a Legal Memorandum as an aid to the judge with regard to the resolution of those issues. Pertinent facts follow, along with questions relevant to your training and education. Your first task is to prepare a rough draft of that Memorandum, due by 4/11/21 at 11:59 p.m. The completed draft is due well before trial, on 5/2/21 at 11:59 p.m.

FACTS

In general, the “GoT’s” were a casual group of college hackers and gamers. One evening the group as a whole was particularly unhappy; the group was totally broke, and they did not have any alcohol for the night’s activities. They devised a plan to steal some alcohol from the local grocery: A couple of group members would stage a diversion, and in the confusion, a third member would grab some booze and run. The “GoT’s” were a large enough group that no two heists had the same participants. They soon discovered that they had the skill to disable any surveillance video, and, much to their surprise, their efforts worked. They soon became addicted to the thrill and so their activities extended across eastern Washington.

Until the night that things went horribly wrong. Two “GoT’s” engaged in the diversion: A male “GoT” (later identified as “Bill”) rounded the corner of an aisle and collided with a female “GoT”, who then fell and pretended that she was injured (she was not; she got up and ran away). Unfortunately, 92-year-old Mrs. Margaret Baker was also knocked down - apparently neither Bill nor the unidentified female actor saw her. Ms. Baker suffered a concussion and a compound fracture of her ankle; she died a short time later. Bill was arrested, but the police believe (correctly) that a number of other participants remain unidentified.

Meanwhile, per the “GoT” plan, a third participant grabbed a bottle of Everclear and sprinted out the door. An off-duty police officer, Lorna was in the store at the time; she recognized what was going on, and she gave chase. As luck would have it, a citizen named Sam was outside the store, heard the commotion and saw the officer chase after the thief. Always one to help when needed, Sam pulled his gun and yelled stop. When he was ignored, he aimed his gun and fired. Sam was not a good shot. He missed the thief, but he hit and killed Lorna.

The prosecutor will charge Bill for the deaths of Mrs. Baker and Officer Lorna.

1. With regard to the death of Mrs. Baker, would you anticipate a conviction for 1st or 2d degree manslaughter? Make sure you include the elements of each in your answer. Cite to at least 2 cases from the text in your analysis. You may NOT include evidence that are not set forth as facts herein, but you should indicate potential facts that are reasonable given the forgoing, that if presented as evidence at trial might sway the jury.
2. With regard to the death of Officer Lorna, how do you anticipate the issue of proximate cause will apply? You should cite **Bauer** (2014) in your answer.

Your analysis should total at least 3 to 4 pages. To this you should attach a bibliography; while three case citations are required, you are welcome to include other relevant cases.