Ringo's Criminal Liability Under the EPA Regulations
["D" Answer]

ISSUE #1

COMMON LAW

Issue: Whether Ringo should be acquitted because of mistake of law.

Rule: A defendant should be acquitted of a criminal charge if he relied on an official interpretation of the law.

Application: Ringo tried to find out if a permit was required, and he got an official letter saying that it was OK to remove the tank.

Conclusion: Ringo should be acquitted because of his mistake of law.

MODEL PENAL CODE

Same issue, rule, and analysis as under common law.

Analysis of "D" Answer
On the first issue, this student makes serious errors throughout his answer. First, note that his issue statement and his conclusion are virtually identical. The issue statement is much too general, failing to identify what type of mistake of law defense (there are several) is at stake here. The rule statement is likewise much too general, failing to identify which of the several "reasonable reliance" grounds is at issue. Finally, the application is almost non-existent - and this is where most of the points are. The student fails to use most of the facts given in the question, including the type of official issuing the letter and the fact that the official's interpretation was later determined to be incorrect.

The student doesn't address the second issue at all. In the "C" answer, the student at least showed that she spotted the issue: here, the professor has no way of knowing if the student spotted the issue, but thought it was irrelevant, or failed to spot the issue at all.