

Criminal Exam 6

Johnny was a career criminal, frequently in and out of jail and often on the run. Ronnie was a security expert over at Bank Local. One day Johnny ran into Ronnie.

"Hey Johnny," said Ronnie, "instead of all of that petty crime you usually commit, why don't you go for a real score and rob Bank Local?"

"Don't you work at Bank Local?" asked Johnny.

"Of course," said Ronnie, "But I hate it. I despise it. It makes me puke."

"I don't think so," said Johnny, "I'm going legit."

But Ronnie would not take no for an answer. He begged Johnny. He even made puking sounds every time he saw Johnny pass by.

Finally Johnny agreed. "Well... if your job makes you puke and all..." Johnny said.

Late at night, Ronnie and Johnny met outside the bank.

"Wait on the corner as a look-out," said Ronnie, "I've got a key to the back door and the code to disable the alarm. I'll be back in a second."

A few minutes later a police officer pulled up next to Johnny.

"You OK?" the officer asked.

Johnny freaked out and blurted to the police officer, "I didn't want to rob the bank! Ronnie made me do it! He made puking sounds and everything!"

The officer entered the bank and found Ronnie inside stuffing cash into a bag. Both Johnny and Ronnie were placed under arrest.

What common law crimes are Ronnie and Johnny guilty of? What defenses do they have?

Example Answer

Ronnie's crimes/defenses

Burglary

Did Ronnie commit burglary?

Burglary is the breaking and entering of the home of another at night with the intent to commit a felony inside. Burglary is a specific intent crime requiring that the intent to actually commit a felony inside the home.

Ronnie did enter the bank at night with the apparent intent to steal money. However, it is unlikely that Ronnie committed common law burglary. Ronnie did not "break" into the bank; rather Ronnie had the key and security code and no breaking was necessary. In addition, Ronnie entered a bank, not someone's home.

Ronnie did not commit common law burglary.

Larceny

Can Ronnie be guilty of larceny?

Larceny is the taking and carrying away of personal property of another without consent and with intent to steal. Larceny is a specific intent crime requiring the intent to steal a particular item.

Here, Ronnie was took personal property of another, i.e. the bank's money. There is no indication that the bank consented and there is every indication that Ronnie intended to steal the money as evidenced by Ronnie's statements to Johnny about going for a "big score."

The issue under these facts is whether Ronnie placing the money in a bag is actually a "taking and carrying away." Here Ronnie had to take the money from where the bank keeps it and place it into a bag. It is likely that this moving and concealing of the money would be enough to be considered the "taking and carrying away" of the bank's money.

Solicitation

Can Ronnie be charge with solicitation?

Solicitation is asking another to commit a crime. It makes no difference whether the other person agrees to the request. Once the question is asked, the crime is completed.

Here Ronnie asked Johnny to “go for a real score and rob Bank Local.” This statement is literally Ronnie asking Johnny to commit a crime.

Based on this statement, Ronnie has committed solicitation.

Conspiracy

Did Ronnie commit conspiracy?

A conspiracy is an agreement between two or more persons to do an unlawful act. The agreement can be through words or actions alone. In addition, assisting with preparations to commit the unlawful act are enough for a conspiracy. Conspiracy is a specific intent crime, the co-conspirators must have the intent to complete the unlawful act.

Here Ronnie and Johnny had an agreement to do an unlawful act, namely robbing the bank. Although Johnny was reluctant, he eventually agreed to rob the bank. This agreement can be seen by both Johnny’s words and his showing up at the bank as planned.

Ronnie likely committed conspiracy through his agreement with Johnny to rob the bank.

Johnny’s crimes/defenses:

Accomplice liability

Did Johnny act as an accomplice to Ronnie’s crimes?

An accomplice aids, abets, encourages or assists the carrying out of a crime. Accomplice liability is a specific intent crime requiring the intent to aid in the commission of the crime.

Here Johnny was aiding Ronnie by acting as a lookout while Ronnie carried out a crime, specifically entering the bank for the purpose of robbing it.

Under these facts, Johnny did act as an accomplice to Ronnie’s crimes.

Burglary

Is Johnny guilty of burglary?

As stated above, burglary is the breaking and entering of the home of another at night with the intent to commit a felony inside. Burglary is a specific intent crime requiring that the intent to actually commit a felony inside the home.

There are no facts to suggest Johnny is guilty of burglary directly as he only acted as a lookout. He did not break and enter with an intent to commit a felony.

Johnny could be guilty of burglary, however, through his accomplice liability with Ronnie. Under common law, an accomplice is liable for the crime itself.

As explained above, however, Ronnie did not commit burglary, similarly Johnny cannot be guilty of burglary through accomplice liability.

Larceny

Can Johnny be guilty of larceny?

Larceny is the taking and carrying away of personal property of another without consent and with intent to steal. Larceny is a specific intent crime requiring the intent to steal a particular item.

There are no facts to suggest Johnny is guilty of larceny directly as he only acted as a lookout.

Johnny could be guilty of larceny, however, through his accomplice liability with Ronnie. Under common law, an accomplice is liable for the crime itself. As explained above, Ronnie did commit larceny, similarly Johnny is guilty of larceny through accomplice liability.

Conspiracy

Did Johnny commit conspiracy?

As stated above, a conspiracy is an agreement between two or more persons to do an unlawful act. The agreement can be through words or actions alone. In addition, assisting with preparations to commit the unlawful act are enough for a conspiracy. Conspiracy is a specific intent crime, the co-conspirators must have the intent to complete the unlawful act.

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