

CRIMINAL LAW
Professor Alexander

Required Readings:

Dressler, Ch. 28; MPC, § 5.02

Problem Set 19

1. D knows that X, his next-door neighbor, is the head of a criminal organization, and that X will kill any members of the organization who X believes are disloyal. D hates Y, who works for X. One day, while D and X are chatting over the back fence, D “lets slip” that Y is an undercover police agent. X does not know that D knows X is a mobster, nor does X know that D knows Y works for X. Is D guilty of soliciting murder? (3/4 page)
2. D, a political radical, has been informed that X is a contract killer. X is in fact an undercover police officer. D offers X \$100,000 if X will assassinate V, a political figure. Is D guilty of soliciting murder? (1/2 page)
3. D wants to get his acquaintance, X, who D believes is a burglar, off the streets. He therefore tells X that he knows that a neighbor, Y, will be gone for the evening, and that Y keeps a lot of jewelry in the house, which has no alarm system. D tells X this because D intends to have the police stake out Y’s house and catch X in the act. Is D guilty of solicitation? (3/4 page)
4. The Godfather tells Soldier, “Before you can be a full member of the Mob, you must carry out a killing, which in your case will be the killing of Vinnie.” The Godfather is indifferent to whether Soldier carries out the killing because he is indifferent to whether Vinnie is killed and indifferent to whether Soldier passes the initiation rite. Is Godfather guilty of soliciting murder? (3/4 page)
5. D tells P, “Kill V.” D’s purpose, which he reveals to P, is to have V killed because V has been unfaithful to D. “Otherwise,” D tells P (truthfully), “I wouldn’t want her dead.” Is D guilty of soliciting V’s murder? Does it matter whether V *was* unfaithful to D? Does it matter whether D -- or P -- might discover -- or come to believe -- that she was *not* unfaithful before the contemplated time of the killing? Is D guilty of soliciting a violation of federal law if V is an undercover federal officer, and killing a federal officer is a federal crime even if D has no reason to know that V is a federal officer? (1 and ¼ pages)