

**CRIMINAL LAW**  
Professor Alexander

**Required Readings:**

Dressler, Ch. 29 (pp. 449–end)  
Model Penal Code §§ 5.03, 5.04

**Problem Set 21**

1. Big Louie has agreed with Colombian Carlos that the latter will send cocaine from Colombia to the U.S. by air, a violation of federal law. Fred and John agree with Big Louie to unload the cocaine at an airfield in Florida and put it in a warehouse, a violation of Florida law. Tex and Nevada each agree with Big Louie to take the cocaine from Fred and John, with Tex to distribute his share in Houston, Nevada to distribute his share in Las Vegas, violations of Texas and Nevada laws. Hank agrees to buy the cocaine from Tex to resell on the streets of Houston. Slim agrees to buy from Nevada to resell on the streets of Las Vegas. How many conspiracies are there in this case? Suppose Big Louie and Carlos have also agreed to bribe customs officials, and Fred and John are aware of this? (One page)
2. D1 and D2 agree on Monday to rob a bank on Wednesday. On Tuesday they agree to rob a second bank on Thursday if the haul from the first robbery is less than \$50,000. Of how many conspiracies are they guilty? (One-quarter page)
3. D1 and D2 agree to kill V. V, unbeknownst to them, has already died. Are they guilty of a conspiracy to murder? (One-quarter page)
4. D1 and D2 agree that they will seduce Lolita, who they believe is under 16. (Thus, they agree to commit what they believe will be statutory rape.) In fact, Lolita is 17. Of what crime are they guilty? (One-half page)
5. X has decided to commit a bank robbery. X asks Y to lend him Y's car. Y agrees to do so. Y knows what X plans to do with the car and hopes X succeeds, but X doesn't know that Y knows. Is there a conspiracy under MPC § 5.03? (One-half page)
6. Same hypothetical as #5, except that X is Y's crime boss, X tells Y why he wants the car, and Y complies because he wants to please X (but is indifferent to whether X in fact commits the crime). Is there a conspiracy under MPC § 5.03? (One-quarter page)
7. D1 and D2 agree that D2 will have intercourse with V, who they know is under 16. D2 also knows, but D1 does not, that V is D2's daughter. Has either D1 or D2 conspired to commit incest, a crime that requires a mens rea of recklessness regarding relationship? (One-quarter page)

Problem Set 21

8. D1 and D2 agree to kill V. D2 is legally insane. Is D1 guilty of conspiracy to murder? (One-quarter page)
9. D1 and D2 agree to rob D1's employer. D1 then has a change of heart and tells D2. D2 says he'll do it alone. D1 calls the police, but the police arrive too late, and D2 succeeds. Is D1 guilty of conspiracy to rob his employer? What if D2 had robbed someone else instead, since D1's help was essential in robbing D1's employer? (One-half page)
10. State X proscribes the sale of narcotics, but not the purchase of narcotics. D1 and D2 agree that D1 will sell D2 narcotics. Is D2 guilty of conspiracy to sell narcotics? Is D1? (One-quarter page)

Rev. 10-31-18