

CRIMINAL LAW
Professor Alexander

Required Readings:

Dressler, Ch. 30; MPC §§ 2.06; 5.01(3)

Problem Set 22

1. D, a jazz critic for a newspaper, who wants to hear P, a famous foreign jazz musician, play, buys a ticket to P's concert. D knows P has been admitted to the country on the condition that he not perform at any concerts. Is D guilty of aiding P's violation of the immigration laws? (One-half page)
2. D sees P about to attack V. D wants to encourage P by his presence, so he strolls over near the imminent altercation so that P can see him, but he does nothing further but grin. Is he guilty of being an accomplice in P's assault? (One-half page)
3. D knows that P is a prostitute. D rents P a room in D's apartment house. Is D an accomplice in P's crime of prostitution? (One-half page)
4. The Godfather asks Soldier to get him a gun. Soldier knows the Godfather intends to use the gun to kill Vinnie. Soldier complies with the request solely because he wants to please the Godfather. If Godfather kills Vinnie, of what is Soldier guilty? What if Godfather attempts to kill Vinnie but fails? What if Godfather does nothing? (One-half page)
5. The Godfather tells Soldier to drive a certain car to a certain location. Soldier wants to aid whatever plan is afoot, but he doesn't know what that plan is and is not told. Soldier figures that the car could be used for anything from a car bombing, a getaway from a robbery or killing, or a perfectly legal activity. Of what is Soldier potentially guilty? What if no crime is committed? (One-half page)
6. D sees P hurl a missile at V. D is standing in the path of the missile, and if he doesn't move, V won't be hit, nor will D be harmed (he's wearing protective armor). However, D, who knows V will be hit if he (D) moves, goes ahead and does so, with a desire that V be harmed. V is hit by the missile and killed. Of what is D guilty? (One-half page)
7. D leaves gasoline for P with the purpose of aiding P burn down a building for the insurance. P doesn't see the gasoline left by D, but instead buys his own gasoline. (Suppose buying gasoline doesn't amount to a "substantial step" sufficient to be an attempt.) He burns down the building. Although P was unaware of it, V, a derelict, was sleeping in the building and was killed by the fire. A killing resulting from arson is homicide, even if it is unintended or unforeseen. What is D guilty of under the common law? The MPC? (One page)