

CRIMINAL LAW
Professor Alexander

Required Readings:

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

Problem Set 23

1. D, who wants V dead, tells P that V has vowed to kill P as soon as he finds P. P believes this, later encounters V, and shoots V. P has a legitimate plea of self-defense. What, if anything, should happen to D? (One-half page)
2. D, intending to get P arrested, urges P to purchase drugs. P does so and is arrested after D tips off the police. Is D an accomplice? Does it matter *when* D tipped off the police? (One-half page)
3. D urges P to kill V. P tries to kill V but fails. Of what is D guilty? What if P does nothing? (One-half page)
4. P and D agree that P will rob bank X. D does nothing else. P decides to rob bank Y, which is more heavily guarded. In the course of the robbery he kills a bank guard who tries to stop him, and in driving away at high speed he accidentally kills a pedestrian. P is charged with robbery, murder, and negligent homicide. Is D an accomplice in any of these crimes? Under the MPC? In a jurisdiction that follows the *Pinkerton* rule regarding conspiracy and complicity (see previous chapter)? (One page)
5. D helps P start his car, which neither knows has defective brakes. Driving with defective brakes is considered negligent driving. Is D an accomplice? (One-half page)
6. D purposely helps P seduce V, who, unbeknownst to either, is underage. Is D an accomplice? (One-quarter page)
7. D purposely helps P sell some aspirin. Neither knows that one bottle is mislabeled. Selling mislabeled drugs is a strict liability crime. If P is guilty of it, is D guilty as P's accomplice? (One-quarter page)
8. D purposely helps P shoot a rifle at a shooting range by providing P with ammunition. D is unaware, but P is not, of the fact that there are children playing in the shooting range who are in danger of being struck. P is "recklessly endangering" in firing, and will be guilty of reckless homicide if a child is killed. Is D an accomplice in either crime? (One-half page)