

Monterey College of Law - Hybrid

Criminal Law – Section 2

Fall 202

Prof. C. White

Instructions:

Answer two (2) Essay Questions.

Answer 24 Multiple-Choice Questions in Exemplify. To select the answer you believe is correct, click on that answer. Use the 'Next' and 'Previous' buttons to navigate between questions. Read each question carefully and choose the best answer. Review your answers for accuracy before you finish.

Total Time Allotted: Three (3) Hours

**Hybrid
Criminal Law & Procedure -Sec. 2
Fall 2025
Prof. C. White**

**Criminal Law, Fall 2025
Essay Question 1**

Late one night, Derek, a 28-year-old construction worker, was drinking heavily at a local bar after being laid off. Over the course of several hours, Derek consumed three shots of whiskey and multiple beers. The bartender, concerned about his behavior, threatened to stop serving him if he did not calm down. In response, Derek angrily slammed his glass on the counter and left, muttering, "People always disrespect me. One day they'll regret it."

As Derek walked home through a dark alley through a rough part of town, he passed a closed hardware store. In frustration, he kicked a trash can, noticed a discarded pocketknife lying nearby, and picked it up, slipping it into his jacket.

Moments later, Derek encountered Victor, a man he vaguely recognized as a old friend from the neighborhood. Victor laughed and said, "Hey, drunk boy, watch where you're going." Derek, already agitated, shouted, "You trying to start something?" Victor laughed again, stepped toward Derek, and raised his hands as if to calm him down. Believing Victor was reaching for a weapon, Derek pulled the pocketknife from his jacket and stabbed Victor three times in the chest, killing him instantly.

After the stabbing, Derek stumbled back, then sat on the curb, muttering, "He was probably gonna kill me. I had to do it." When police arrived, Derek was visibly intoxicated and repeatedly stated, "I didn't mean to kill him, but I couldn't let him hurt me first."

At trial, the prosecution charged Derek with first-degree murder, arguing that Derek's earlier statements at the bar—"one day they'll regret it"—and his decision to arm himself after leaving the bar showed premeditation and deliberation.

Discuss Derek's potential criminal liability for Victor's death. Analyze all relevant criminal liabilities and defenses under modern statutory frameworks. Discuss all plausible arguments for both the prosecution and the defense.

**Hybrid
Criminal Law & Procedure -Sec. 2
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**Criminal Law, Fall 2025
Essay Question 2**

Three friends — Ava, Ben, and Clara — frequently talked about “doing something big” to make money quickly. One night at Ava’s apartment, Ava suggested they rob a neighborhood pharmacy that kept cash on hand. Ben agreed they “could totally pull that off,” and Clara, who worked at the pharmacy, said she could leave a back window unlatched and share the alarm code. They discussed wearing masks, avoiding fingerprints, and getting in and out “fast.” No firm date was set, but they agreed they would meet later in the week to decide the exact night.

Two days later, before any robbery date was finalized, the trio met again to “scope out” the pharmacy. While there, they saw a police officer patrolling and a delivery van parked in front of the pharmacy. When the officer left, Ava whispered, “See? We could get caught. Let’s just take that delivery driver’s wallet instead use the money to buy supplies for the big score for later.” Acting on Ava’s suggestion, Ben approached the driver, shoved him, and snatched his wallet while Clara acted as a lookout. The driver resisted, and Ben punched him, causing a broken nose. All three fled, with Ben keeping the cash. No arrests occurred at that time.

Two days later, Clara got cold feet and privately decided she wanted no further involvement, but she never informed Ava or Ben. That evening, Ava and Ben met behind the pharmacy, believing Clara had already disabled the alarm and left the window unlocked. In fact, Clara had not done so. Ava carried a realistic toy gun. As Ben stayed outside to “warn about cops,” Ava attempted to pry open the window but could not get inside and left when a pedestrian walked by. Police, who had increased patrols after the wallet robbery, later arrested both Ava and Ben nearby based on surveillance footage from the earlier incident.

During questioning, Ben claimed he only went along with the “pharmacy talk” because it seemed like “just big talk,” and insisted the wallet robbery was “a random opportunity, not part of a big plan.” Ava admitted she “never meant real harm” and the toy gun proves she “wasn’t truly trying to commit robbery.” Clara was arrested days later after

police found group text messages discussing disabling cameras and providing the alarm code.

What crimes, if any, can Ava, Ben and Clara be charged with by the prosecution? Discuss all theories of criminal liability for each defendant and any defense that may asserted by Ava, Ben and Clara.

Prosecutors charge all three with:

- Conspiracy to commit robbery (pharmacy)
- Attempted robbery (pharmacy)
- Robbery and battery of the delivery driver.
- Accomplice liability as appropriate.
- The prosecution also asserts that Clara and Ava are liable for the delivery-driver assault and robbery.

Analyze the criminal liability of Ava, Ben, and Clara. Discuss all relevant issues under the doctrines of: Attempt, Conspiracy, Accomplice liability, Pinkerton doctrine

Do not address potential defenses in answering this question—focus on whether the elements of each substantive offense are met.

**ANSWER OUTLINE
Q1**

I. Homicide Gnerally

- Identify that Victor is dead and that Derek caused the death.
- Define criminal homicide as the unlawful killing of a human being with malice aforethought (common law).
- Introduce hierarchy of possible charges:
 - First-degree murder (premeditated and deliberate killing)
 - Second-degree murder (malice but without premeditation)
 - Voluntary manslaughter (heat of passion or imperfect self-defense)
- Note possible defenses: self-defense and intoxication and how they eliminate liability (self-defense) or mitigate the malice for murder (imperfect self-defense).

II. First-Degree Murder

Rule:

- First-degree murder requires intentional killing with premeditation and deliberation.
- “Premeditation” is reflection or planning, even briefly; “deliberation” is cool, calculated judgment. Enough time to reflect on quality and character of actions.
- Prosecution argument:
 - Derek’s earlier statements (“One day they’ll regret it”) show anger and potential forethought.
 - He armed himself with a knife after leaving the bar, possibly showing preparation.
 - Time elapsed between leaving bar and stabbing may show opportunity to reflect.

- Defense argument:
 - Derek was highly intoxicated, impairing deliberation and reflective judgment.
 - The encounter with Victor was spontaneous and fueled by provocation, not planning.
 - Obtaining the knife may have been impulsive and unconnected to intent to kill Victor.
 - Derek was in a bad part of town.
 - Derek's statements to the police when they arrived tend to show a subjective fear that Victor might harm him.

III. Second-Degree Murder (Implied vs. Express Malice)

Rule:

- Second-degree murder is killing with malice aforethought but without premeditation/deliberation.
- Malice can be express (intent to kill) or implied (reckless disregard for human life).

Application:

- Prosecution argument:
 - Derek intentionally stabbed Victor three times in the chest — clear intent to kill.
 - No adequate provocation; Victor's words were mild and non-threatening.
 - 3 stabs in chest show intent to kill.
 - Even if intoxicated, Derek's actions were inherently dangerous—intent to cause GBI or reckless indifference.
- Defense argument:
 - Derek's intoxication impaired his ability to form specific intent to kill.
 - He believed Victor was reaching for a weapon (possible self-defense).
 - His reaction was rash and confused, not malicious.

- Derek's statements to the police when they arrived tend to show a subjective fear that Victor might harm him.

IV. Voluntary Manslaughter (Imperfect Self-Defense)

Rule: Voluntary manslaughter occurs when a killing would otherwise be murder but is mitigated due to:

- Heat of passion upon adequate provocation; or
- Imperfect self-defense (honest but unreasonable belief that proponent was going to be subjected to death or GBI and honest but unreasonable belief in need for deadly force—one or both are unreasonable).

Application:

- Derek's belief that Victor was reaching for a weapon may have been honest but unreasonable.
- Victor's verbal taunts do not amount to adequate provocation under most jurisdictions.
- However, Derek's intoxication and heightened emotional state might make imperfect self-defense plausible.

V. Self-Defense (Perfect)

Rule:

- Non-aggressor may use deadly force if he reasonably believes it is necessary to prevent imminent death or great bodily harm.
- Belief must be both subjectively genuine and objectively reasonable.

Application:

- Victor's laughter and gesture to calm Derek were not objectively threatening.
- Derek's intoxication and paranoia may have caused an unreasonable perception of danger.

VI. Voluntary Intoxication Defense

Rule:

- Voluntary intoxication is not a complete defense but can negate specific intent (e.g., premeditation, deliberation).
- Cannot negate general intent or recklessness.

Application:

- Derek's heavy drinking may show he was incapable of forming deliberate intent for first-degree murder.
- However, intoxication does not excuse reckless or impulsive killing (thus, second-degree remains possible).

Conclusion:

- Intoxication mitigates from first-degree → second-degree, but does not absolve.

Q2 - OUTLINE

I. Conspiracy to Commit Robbery (Pharmacy)

Formation of Conspiracy

- Rule: Conspiracy requires (1) an agreement between two or more persons to commit a crime, and (2) intent to agree and to achieve the unlawful objective. Under the modern/MPC approach, many jurisdictions also require an overt act in furtherance.
- Analysis:
 - Ava proposes pharmacy robbery.
 - Ben agrees ("we could totally pull that off").
 - Clara agrees to help and provides inside assistance (alarm code, window).
 - Agreement and shared criminal objective established.
 - Overt act: Later "scoping out" of the pharmacy satisfies overt act.

B. Scope of Conspiracy

- Includes agreement to rob the pharmacy, plan logistics, use of inside help, avoid fingerprints, etc.
- Clara's insider role ties her to the agreement.
- Scope arguably expands with agreement to rob the delivery driver to get money for supplies.

C. Withdrawal

- Rule: Withdrawal ends liability for future acts but not for conspiracy itself unless before overt act (MPC allows renunciation by thwarting success).
- Analysis:
 - Clara withdrew after overt act (scouting), so still guilty of conspiracy.
 - Her failure to notify or take affirmative action means no effective withdrawal for Pinkerton purposes either.

D. Defenses

- Ben's claim of "just big talk" may negate intent to agree.
 - Evaluate credibility: He met again to scope out location → likely evidence of true agreement.

II. Attempted Robbery (Pharmacy)

A. Rule

- Attempt: (1) intent to commit target crime and (2) an act that is a substantial step toward its commission, beyond mere preparation.
- MPC: "Substantial step strongly corroborative of criminal purpose."

B. Ava's Liability

- Ava brings toy gun, goes to pharmacy, tries to pry open window = substantial step.
- Intent: Despite toy gun, intent to commit robbery (taking property by force/fear) evident.
 - Toy gun only relevant to *degree* of fear or impossibility defense, not intent.
 - Legal impossibility no defense; factual impossibility (toy gun) irrelevant.

C. Ben's Liability

- Served as lookout = substantial step.
- Intent: participation with Ava shows shared intent to rob.
- Accomplice/attempt liability because his act was intended to aid by acting as a lookout (though no actual aid occurred)

D. Clara's Liability

- No participation that night; withdrew earlier, so she is not liable for attempt.
- But possible accomplice/attempt liability if her prior acts intended to aid (though no actual aid occurred).

E. Defenses

- Ben: claims "big talk" and lack of true intent → may challenge mens rea.
- Ava: toy gun argument fails — still had requisite intent and took substantial steps.
- Clara: effective withdrawal prior to attempt may absolve attempt liability.

F. Conclusion

- Ava and Ben: guilty of attempted robbery.
- Clara: not guilty (effective withdrawal before attempt).

III. Robbery and Battery of Delivery Driver

A. Rule

- Robbery is the taking property from another by force or fear with intent to permanently deprive.
- Battery is the unlawful Analysis of force.

B. Ben (Principal)

- Shoves, punches, and takes wallet: clear robbery and battery.
- Mens rea: intent to permanently deprive.

C. Ava (Accomplice)

- Suggested the plan ("take that driver's wallet") and fled with proceeds.
- Rule: Accomplice if intentionally aids, encourages, or facilitates crime.

- Ava's verbal encouragement and presence show aiding and abetting.
- Guilty as accomplice to robbery and battery.

D. Clara (Lookout)

- Acted as lookout → affirmative assistance with knowledge of intent.
 - Guilty as accomplice to robbery and battery.
-

IV. Pinkerton Liability (for Delivery-Driver Robbery)

A. Rule

- Under *Pinkerton v. United States (1946)*, each conspirator liable for substantive crimes committed by co-conspirators if:
 1. In furtherance of the conspiracy,
 2. Within its scope, and
 3. Reasonably foreseeable.
- Applies even if conspirator not personally involved.

B. Analysis

- Prosecution theory: wallet robbery furthered pharmacy conspiracy (get money for supplies).
- For Ava: She proposed both the conspiracy and the wallet robbery; direct participant—no need for Pinkerton.
- For Clara: She joined conspiracy before wallet robbery; robbery arguably in furtherance (get funds to prep).
 - But foreseeability debatable — spontaneous, violent act may exceed scope.
 - Courts often reject Pinkerton if act is unrelated or too attenuated.
- For Ben: Direct actor; no need for vicarious liability.

C. Defense Analysis

- Clara's defense: Wallet robbery was a new, independent venture, not foreseeable step toward pharmacy robbery → *Pinkerton* shouldn't apply.

- Ava: She directly aided — liable under accomplice theory, not just Pinkerton.

1)

1. First-Degree Murder (Willful, Deliberate, Premeditated)

Whether Derek is guilty of first-degree murder when, after drinking and arming himself with a pocketknife, he stabbed Victor three times in the chest, killing him.

Murder is the unlawful killing of a human being with malice aforethought. It is first-degree if the killing is willful, deliberate, and premeditated, meaning the defendant intended to kill and decided to do so after reflection, even if brief.

Derek unlawfully killed Victor by stabbing him three times in the chest, a vital area, which supports an intent to kill. Earlier that evening, Derek said at the bar, "people always disrespect me. One day they'll regret it," and later picked up a pocketknife and put it in his jacket while walking through a rough area, which can be seen as preparation and planning. At the confrontation, after Victor mocked him and stepped toward him, Derek drew the knife and delivered multiple chest stabs. The prosecution would argue this shows prior resentment, arming himself, and then carrying out a killing, supporting deliberation and premeditation. On the other hand, the stabbing followed a sudden argument, Derek was "visibly intoxicated," and he believed Victor was reaching for a weapon, suggesting an impulsive and emotional reaction rather than a cooling off reflection.

The killing clearly supports murder, but evidence of genuine deliberation and premeditation is weak; first-degree murder is possible, but not likely.

2. Second-Degree Murder-Intent to Kill (Express Malice)

Whether Derek is guilty of second-degree murder with express malice when he intentionally stabbed Victor three times in the chest during their confrontation.

Murder requires an unlawful killing with malice aforethought. Malice is express when the defendant unlawfully intends to kill, and intentional killing with malice that is not deliberate and premeditated is second-degree murder.

Here, Derek stabbed Victor three times in the chest, killing him instantly. There is no evidence Victor actually attacked or was armed before stabbing. Intent to kill can be inferred from the number and location of the stab wounds. Derek's statement "I couldn't let him hurt me first" indicates he chose to

use deadly force first, and his act was a substantial factor in causing death. Although he later said, "I didn't mean to kill him," the physical evidence, multiple stabs with a knife, strongly supports an unlawful intent to kill.

Derek is guilty of second-degree murder based on express malice.

3. Second-Degree Murder-Implied Malice

Whether Derek is guilty of second-degree murder based on implied malice when he stabbed Victor three times in the chest, claiming he acted out of fear while intoxicated.

Malice is implied when the defendant, (1) intentionally commits an act; (2) the natural and probable consequences are dangerous to human life; (3) he knows his act is dangerous to human life; and (4) he deliberately acts with conscious disregard for human life.

Here, Derek intentionally stabbed Victor three times in the chest. The natural and probable consequence of stabbing someone in the chest is death, and any reasonable adult knows such conduct is dangerous to human life. Escalating a verbal insult into repeated chest stabs shows conscious disregard for life. His intoxication does not generally negate implied malice. Although he believed Victor might hurt him, the victim only insulted, laughed, and stepped forward with hands raised; using lethal force in that situation still reflects a deliberate choice to engage in life-threatening conduct.

Even if intent to kill were doubted, the facts strongly support implied malice and second-degree murder.

4. Voluntary Manslaughter-Heat of Passion

Whether Derek's murder liability should be reduced to voluntary manslaughter based on heat of passion when Victor insulted and mocked him and then stepped toward him.

Murder is reduced to manslaughter if (1) the defendant was provoked; (2) as a result, he acted rashly and under intense emotion that obscured judgement; and (3) the provocation would cause a person of average disposition to act rashly and without due deliberation. No sufficient time would have passed.

Derek was laid off, drunk and feeling "disrespected." Victor called him "drunk boy," laughed, and stepped toward him, leading Derek, already agitated, shout, "You trying to start something?" The stabbing followed immediately, suggesting no cooling-off period and strong subjective emotion.

However, the provocation is mainly verbal insult and mild movement toward Derek, with hands raised as if to calm him. Ordinary verbal taunts and minor confrontations generally are not enough to cause a reasonable person to lose self-control to the point of killing.

Derek likely cannot reduce murder to voluntary manslaughter solely on heat of passion because the provocation is not sufficiently serious for a person of average disposition.

5. Voluntary Manslaughter-Imperfect Self-Defense

Whether Derek's murder liability should be reduced to voluntary manslaughter based on imperfect self-defense when he believed Victor was reaching for a weapon and going to kill him.

Murder is reduced to voluntary manslaughter if, (1) the defendant actually believed he was in imminent danger of being killed or suffering great bodily injury; and (2) he actually believed the immediate use of deadly force was necessary; but (3) at least one of those beliefs was unreasonable.

Here, the facts state that Derek believed Victor was reaching for a weapon, and after killing he said, "he was probably going to kill me. I had to do it," and I couldn't let him hurt me first." These statements support a genuine subjective belief in imminent danger and in the need for deadly force. But Victor only insulted Derek, laughed, stepped toward him, and raised his hands as if to calm him, with no weapon or explicit threat. A reasonable person would not likely see this as an imminent deadly attack or think that multiple chest stabs were necessary. This fits an actual but unreasonable belief in the need to use deadly force.

Imperfect self-defense could reduce Derek's liability from murder to voluntary manslaughter.

6. Voluntary Manslaughter-Imperfect Self-Defense

Whether the homicide should be reduced to involuntary manslaughter when Derek, while intoxicated and misperceiving danger, stabbed Victor.

Involuntary manslaughter is an unlawful killing without malice where the defendant commits a lawful act in an unlawful manner or without due caution and circumspection, and the act is dangerous to human life, or a non-inherently dangerous unlawful act, and malice is absent.

Derek's act was intentional stabbing with a deadly weapon aimed at the chest. This is purposeful violent conduct, not simple negligence or ordinary recklessness. Such conduct normally supports at least implied malice. Although intoxication and misperception explain his behavior, they do not make

multiple chest stabs into a simple negligent act.

A reduction all the way to involuntary manslaughter is unlikely, the facts support malice.

7. Justification - Self-Defense (Perfect)

Whether Derek is completely justified and not criminally liable when he stabbed Victor because he believed Victor was reaching for a weapon and would kill him.

Self-defense applies if the defendant, (1) reasonably believed he was in imminent danger of being killed or suffering great bodily injury; (2) reasonably believed immediate deadly force was necessary; and (3) used no more force than reasonably necessary.

Derek believed Victor was reaching for a weapon, but Victor only insulted him, laughed, stepped toward him, and raised his hands as if to calm him. There is no evidence Victor had a weapon or attacked. A reasonable person would likely not believe there was an imminent deadly threat or that multiple chest stabs were necessary. Therefore, the objective reasonableness requirements is not met.

Perfect self-defense is not satisfied since the killing is not justified.

8. Voluntary Intoxication - Effect on Mental State

Whether Derek's voluntary intoxication from three shots of whiskey and multiple beers negates the mental state required for first-degree murder or affects his liability.

Voluntary intoxication is not a complete defense, but it may be considered in deciding whether the defendant actually formed specific mental states such as intent to kill or deliberation and premeditation. It generally does not negate implied malice.

Derek drank heavily for hours and was "visibly intoxicated." This can undercut proof that he formed a cool, deliberate, premeditated intent to kill, making first-degree murder less likely. It can also be considered in deciding whether he actually intended to kill. However, his intentional act of stabbing the chest three times still supports at least implied malice, which intoxication does not usually defeat.

Intoxication may help Derek avoid a first-degree murder conviction but does not prevent liability for second-degree murder or voluntary manslaughter.

Grand Conclusion

Derek intentionally stabbed Victor three times in the chest, causing death. The strongest charge is second-degree murder (express or implied malice). First-degree murder is less likely due to weak facts of deliberation and intoxication. Imperfect self-defense gives us a solid basis to reduce the offense to voluntary manslaughter, while heat of passion and involuntary manslaughter are weaker.

use deadly force first, and his act was a substantial factor in causing death. Although he later said, "I didn't mean to kill him," the physical evidence, multiple stabs with a knife, strongly supports an unlawful intent to kill.

Derek is guilty of second-degree murder based on express malice.

3. Second-Degree Murder-Implied Malice

Whether Derek is guilty of second-degree murder based on implied malice when he stabbed Victor three times in the chest, claiming he acted out of fear while intoxicated.

Malice is implied when the defendant, (1) intentionally commits an act; (2) the natural and probable consequences are dangerous to human life; (3) he knows his act is dangerous to human life; and (4) he deliberately acts with conscious disregard for human life.

Here, Derek intentionally stabbed Victor three times in the chest. The natural and probable consequence of stabbing someone in the chest is death, and any reasonable adult knows such conduct is dangerous to human life. Escalating a verbal insult into repeated chest stabs shows conscious disregard for life. His intoxication does not generally negate implied malice. Although he believed Victor might hurt him, the victim only insulted, laughed, and stepped forward with hands raised; using lethal force in that situation still reflects a deliberate choice to engage in life-threatening conduct.

Even if intent to kill were doubted, the facts strongly support implied malice and second-degree murder.

4. Voluntary Manslaughter-Heat of Passion

Whether Derek's murder liability should be reduced to voluntary manslaughter based on heat of passion when Victor insulted and mocked him and then stepped toward him.

Murder is reduced to manslaughter if (1) the defendant was provoked; (2) as a result, he acted rashly and under intense emotion that obscured judgement; and (3) the provocation would cause a person of average disposition to act rashly and without due deliberation. No sufficient time would have passed.

Derek was laid off, drunk and feeling "disrespected." Victor called him "drunk boy," laughed, and stepped toward him, leading Derek, already agitated, shout, "You trying to start something?" The stabbing followed immediately, suggesting no cooling-off period and strong subjective emotion.

2)

AVA

1. Conspiracy to Commit Robbery (Pharmacy)

Whether Ava committed conspiracy to commit robbery when she proposed robbing the pharmacy and coordinated roles with Ben and Clara.

Conspiracy requires (1) an agreement between two or more person to commit a crime; (2) the specific intent to agree and to commit that crime; and (3) an overt act in furtherance of the agreement by any conspirator.

Here, Ava suggested robbing the neighborhood pharmacy for money and led a discussion about wearing masks, avoiding fingerprints, and getting in and out fast. Ben agreed they "could totally pull that off," and Clara offered to leave a back window unlatched and share the alarm code. This is an agreement to commit pharmacy robbery. Ava intended the robbery, she initiated the plan, chose the target, and discussed methods and roles. Over acts include meeting again "to scope out" the pharmacy and later meeting behind the pharmacy to carry it out. These acts are in furtherance of pharmacy robbery.

Ava can be charged with conspiracy to commit robbery of the pharmacy.

2. Attempted Robbery (Pharmacy)

Whether Ava committed attempted robbery of the pharmacy when she went behind the pharmacy with a toy gun and tried to pry open the window.

Attempt requires (1) specific intent to commit the target offense; and (2) a direct but ineffectual act beyond mere preparation toward its commission.

Here, Ava intended to rob the pharmacy when she met Ben behind it, believing Clara had disabled the alarm and left the window unlocked. She brought a realistic toy gun to use in the robbery. Ava then went to the window and attempted to pry it open but could not get inside and left when a pedestrian walked by. Going to the scene at the planned time, armed and physically trying to gain entry is a direct act beyond mere preparation and falls short only because she could not get in.

Ava can be charged with attempted robbery of the pharmacy.

3. Robbery of the Delivery Driver (As Principal / Accomplice)

Whether Ava is liable for robbery of the delivery driver when she suggested taking the wallet and was present as Ben took it.

Robbery is the felonious taking of personal property of another, from the person or immediate presence, against the will, by force, or fear, with intent to permanently deprive. A person is liable as an accomplice if, with knowledge of the unlawful purpose, she intends to aid or encourage and does aid or encourage the commission of the crime.

Here, Ava saw the delivery driver and proposed, "Let's just take that delivery driver's wallet instead, use the money to buy supplies for the big score later." Ben then shoved the driver and snatched his wallet while Clara acted as lookout. Ava originated the idea and clearly shared the intent to take property by force to fund the planned robbery. Her solicitations and presence at the scene encourage Ben's conduct. Ben's act satisfies robbery since he took the wallet (property) from the driver's person, by force (shove and later punch), against the driver's will.

Ava is liable for robbery of the delivery driver as an accomplice to Ben's robbery.

4. Battery of the Delivery Driver

Whether Ava is liable for battery for Ben's punch that broke the driver's nose.

Battery is the willful and unlawful use of force or violence upon another. An accomplice is liable for acts that the natural and probable consequence of the aided crime.

Here, Ben punched the driver when the driver resisted, causing a broken nose. That punch is an unlawful use of force and constitutes battery. Because Ava encouraged a forcible taking, robbery, the use of additional force to overcome resistance is natural and probable consequence of the robbery plan. As an accomplice to the robbery, she is liable for the battery as part of that offense.

Ava can be charged with battery of the delivery driver.

5. Pinkerton Liability (Driver Robbery/Battery; Attempted Pharmacy Robbery)

Whether Ava, as a conspirator to pharmacy robbery, is liable for the driver robbery/ battery and

attempted pharmacy robbery under conspiracy liability principles.

Under Conspiracy liability, a conspirator is liable for substantive offense committed by co-conspirators that are in furtherance of the conspiracy and are reasonably foreseeable.

Here, Ava was a central member of the pharmacy robbery conspiracy. The wallet robbery was proposed by Ava specifically to "use the money to buy supplies for the big score later," trying it directly to the pharmacy plan and making it an offense in furtherance of the conspiracy. Use of force during such a theft, including battery on a resisting victim, is foreseeable. The later attempted pharmacy robbery is the core object of the conspiracy and obviously in furtherance of it. Ava is directly involved, so Pinkerton is mostly cumulative but satisfied.

Ava is liable under conspiracy principles for the driver robbery and battery and for the attempted pharmacy robbery.

BEN

1. Conspiracy to Commit Robbery (Pharmacy)

Whether Ben joined a conspiracy to rob the pharmacy when he agree to Ava's plan and participated in planning and surveillance.

Conspiracy requires (1) an agreement between two or more person to commit a crime; (2) the specific intent to agree and to commit that crime; and (3) an overt act in furtherance of the agreement by any conspirator.

Here, when Ava proposed robbing the pharmacy, Ben responded they "could totally pull that off," and joined the discussion about masks, avoiding fingerprints, and getting in and out fast. Clara offered inside help. This shows agreement. Ben intended to participate in the robbery. Overt acts include scoping out the pharmacy and later meeting and behind it to commit the robbery, with Ben acting as lookout.

Ben can be charged with conspiracy to commit robbery of the pharmacy.

2. Attempted Robbery (Pharmacy)

Whether Ben committed attempted robbery of the pharmacy when he met Ava behind the pharmacy and acted as lookout.

Attempt requires (1) specific intent to commit the target offense; and (2) a direct but ineffectual act beyond mere preparation toward its commission.

Here, Ben met Ava behind the pharmacy, believing Clara had disabled the alarm and left the window open. He stayed outside "to warn about the cops" while Ava attempted to pry the window. By serving as look out during the attempted break-in, Ben aided a direct step toward committing the robbery. His conduct goes beyond simple talk and is part of the execution of the plan.

Ben can be charged with attempted robbery of the pharmacy as an aider and abettor.

3. Robbery of the Delivery Driver (Principal)

Whether Ben committed robbery when he shoved the delivery driver, took his wallet, and fled.

Robbery is the felonious taking of personal property of another, from the person or immediate presence, against the will, by force, or fear, with intent to permanently deprive.

Here, Ben approached the delivery driver, shoved him, and snatched his wallet. The wallet is personal property taken from the driver's person, against his will. The shove and subsequent punch are force used to accomplish and retain the taking. Ben kept the cash, indicating intent to permanently deprive. the elements of robbery are met.

Ben can be charged with robbery of the delivery driver.

4. Battery of the Delivery Driver

Whether Ben committed battery when he punched the driver, causing a broken nose.

Battery is the willful and unlawful use of force or violence upon another. An accomplice is liable for acts that the natural and probable consequence of the aided crime.

Ben punched the driver when the driver resisted, causing a broken nose. The punch is a willful, unlawful use of force and constitutes battery.

Ben can be charged with battery of the delivery driver.

5. Pinkerton Liability

Whether Ben, as a conspirator, is liable for the driver robbery/battery and attempted pharmacy robbery under conspiracy principles.

Under Conspiracy liability, a conspirator is liable for substantive offense committed by co-conspirators that are in furtherance of the conspiracy and are reasonably foreseeable.

Ben was a member of the pharmacy conspiracy. The wallet robbery was proposed by Ava as a way to fund supplies for the planned robbery and is in furtherance of the conspiracy. The use of force and resulting battery are foreseeable during such a theft. The attempted pharmacy robbery is the target offense itself. Ben is directly liable, but conspiracy rules also support his liability.

Ben is liable under conspiracy doctrine for the wallet robbery and battery and the attempted pharmacy robbery.

CLARA

1. Conspiracy to Commit Robbery (Pharmacy)

Whether Clara joined a conspiracy to commit robbery when she agreed to help with the pharmacy robbery and provided inside information.

Conspiracy requires (1) an agreement between two or more person to commit a crime; (2) the specific intent to agree and to commit that crime; and (3) an overt act in furtherance of the agreement by any conspirator.

Here, Clara participated in the initial meeting where Ava suggested robbing the pharmacy. She agreed to help by saying she could leave a back window unlatched and share the alarm code, and later group texts discussed disabling cameras and providing the alarm code. This shows she agreed to the robbery and intended it. Overt acts in furtherance include the trio scoping out the pharmacy and Ava and Ben meeting at the pharmacy to attempt the robbery while relying on Clara's inside help. Clara later "got cold feet" but never informed the others; she remained part of the ongoing agreement.

Clara can be charged with conspiracy to commit robbery of the pharmacy.

2. Attempted Robbery (Pharmacy) - Conspiracy / Accomplice Theory

Whether Clara is liable for attempted robbery of the pharmacy when Ava and Ben later acted on the plan believing Clara had disable security.

Conspiracy requires (1) an agreement between two or more person to commit a crime; (2) the specific intent to agree and to commit that crime; and (3) an overt act in furtherance of the agreement by any conspirator.

Here, the attempted pharmacy robbery by Ava (window prying with toy gun) aided by Ben (lookout) was the direct implementation of the agreed robbery. It is in furtherance of the conspiracy and plainly foreseeable. Clara's role, promising to leave the window unlatched and provide alarm code, was part of that plan, and she never effectively withdrew from the agreement before the attempt.

Clara can be charged with attempted robbery of the pharmacy under conspiracy liability.

3. Robbery of the Delivery Driver (Conspiracy/Accomplice/Pinkerton)

Whether Clara is liable for robbery of the delivery driver when she acted as lookout while Ben took the wallet.

Robbery is the felonious taking of personal property of another, from the person or immediate presence, against the will, by force, or fear, with intent to permanently deprive. A person is liable as an accomplice if, with knowledge of the unlawful purpose, she intends to aid and does aid or encourage. A conspirator is liable for reasonably foreseeable crimes committed in furtherance of the conspiracy.

Here, after seeing the officer and van, Ava proposed robbing the delivery driver's wallet to fund the "big score later." Clara acted as lookout while Ben shoved the driver and snatched the wallet. Clara's conduct as look out aids the taking and shows she shared the intent to commit the robbery. The wallet robbery is also explicitly in furtherance of obtaining money for the planned pharmacy robbery, making it part of the conspiracy's execution and reasonably foreseeable.

Clara can be charged with robbery of the delivery driver as an accomplice and conspirator.

4. Battery of the Delivery Driver

Whether Clara is liable for battery for Ben's punch that broke the driver's nose.

Battery is the willful and unlawful use of force or violence upon another. An accomplice and conspirator is liable for acts that the natural and probable consequence of the aided crime.

Here, Ben's punch and resulting nose are battery. Because Clara joined a forcible taking as lookout, the use of further force to overcome resistance is a natural probable consequence of robbery. The battery occurred in the course of the robbery she was aiding and was reasonably foreseeable.

Clara can be charged with battery of the delivery driver.

END OF EXAM