

Anticipatory-Complicity Exercise-ANSWER KEY

1. Ed Robinson and Jason Fox are complaining to each other about not having any toys to give their kids for Christmas. Fox knows Sally Gordon, who works at Toys-R-Us. Fox calls Gordon, and she tells him how easy it would be to steal toys from the delivery truck that makes a weekly trip to her store. Gordon has access to a delivery schedule and routes. She gives this to Robinson and Fox. They agree to provide Gordon with a portion of the stolen toys in exchange for her help. Five days before the heist is set to go down, Gordon gets cold feet and decides that she doesn't want any more involvement in the plan. She tells Robinson and Fox they are on their own. On the day of the heist, Robinson and Fox carry out their plan and stop the truck at gunpoint (Fox has a pistol). They order the driver out of the truck and onto the ground. They drive away with the truck and \$10,000 in stolen merchandise inside it. Since Gordon wimped out, they never share any toys with her. Who can be charged and with what crimes? Be prepared to defend/explain your answers.
2. David, Kevin and Fred develop a plan to rob a bank. Fred works at the bank as a teller. The three of them make a plan together. David will drive the get-away car, and Kevin will handle the robbery on the inside. They agree not to use any guns (just imply them) so that they don't get in as much trouble. Fred gets nervous on the day before the robbery. He calls in sick at work. He goes to the police station and turns himself in four hours before the bank opens on the day of the planned robbery. He tells the police everything and explains that he is too scared to carry it out. Minutes before the bank is set to open and the criminal plan carried out, David and Kevin prepare to leave their house. They are seated in the stolen getaway car when the police show up and arrest them in the driveway. Both have ski masks in their pockets. Kevin also has a pair of brass knuckles. They are in a confirmed stolen vehicle. Who can be charged and with what crime(s)? Be prepared to defend/explain your answers.
3. Les and Norman live in Utah. They have a bad habit of stealing Honda Accords from the Seattle area and moving them back to Utah to be cut up and sold for parts. Last weekend, they stole two Accords and left them at Norman's sister's house in Covington. The sister's name is Sally. Sally knows what Norman is up to, and she regularly allows him and his friends to use her side driveway for temporary storage of the cars. Norman gives her \$100 a month to compensate her for any trouble or inconvenience. A neighbor gets suspicious of all the vehicle activity and finally calls the police. The police investigate and develop probable cause for the theft ring. Who can they arrest? For what crime(s) can they be arrested? Be prepared to defend/explain your answers. **BONUS:** What if Norman and Les are back in Utah when the probable cause is reached? Are they off the hook? Why or why not?
4. Three juveniles are hanging out at the city's skate park just before dusk, about 1930 hrs on this particular evening. The park is posted with a sign advising that the park hours are dawn-to-dusk. A local citizen exiting the park tells the kids that they will need to leave within a few minutes as the park will be closed. The kids start to walk out of the park until the citizen is out of sight. Then they double back, go deep into the park, and find a secluded place to have a party. They call a few more friends and end up with ten kids between 13-17 yrs old. Billy shows up with a bottle of Jim Beam. Stephanie brings four bottles of wine from her parents' liquor cabinet. Joseph shows up with two half racks of Coors. All of the kids have at least one drink of the various alcohols provided. While they are partying, Josh and Ray take out cans of spray paint from their backpacks. They begin tagging the cement retaining wall in the park as their friends laugh and watch them work. It later costs the city \$131 to clean up the mess. Upon police contact, Billy tells Officer Smith to "fuck off" and then dumps the rest of the Jim Beam on him. Who can be charged and with what crimes? Be prepared to defend/explain your answers.

Bonus question: Same as above except that when Josh and Ray begin tagging, the other eight start making suggestions for other things they should write/draw and encourage Josh and Ray to tag the playground toys as well. It costs the city \$776 to clean up the mess. Does this change any of the possible arrests and charges?

5. Jackson is the leader of a car theft ring. He hires Les (for \$1500) to steal three specific cars from a dealership lot because he has requests/orders for those cars. Each of the three cars is worth \$30,000. During the night, Les goes to the dealership showroom with his friends Guido and Max. They break a \$150 window and go into the showroom. Les finds the cars' keys in a back office. They drive the cars out of the showroom and hide them. The next morning, Les calls his friends Bob, Jim, and Sam about stealing the cars the night before and enlists their help to take the vehicles to a warehouse in Tacoma where Jackson will arrange to have the VIN numbers altered before the cars are shipped to Mexico. Bob, Jim, and Sam agree to drive the stolen cars to the warehouse in Tacoma in exchange for \$50 each. As the three pull into the warehouse, the police raid the warehouse and arrest Bob, Jim and Sam. Who can be charged and with what? Be prepared to defend/explain your answers. **BONUS:** Same scenario as above except that Les, Guido and Max are at the dealership planning on stealing the cars when a savvy patrol cop spots them and all three get arrested at the dealership right after Guido throws the rock through the window and breaks it. During a search incident to arrest on Les, an officer finds a list of the cars they were supposed to steal and directions for getting the cars to the chop shop/warehouse. Who can be charged and with what?

ANSWER #1: All three should be charged with: Robbery 1, Theft 1, and Theft of a Motor Vehicle. Gordon is not legally off the hook because she did not either make a good faith effort to stop the crime or provide timely warning to law enforcement.

ANSWER #2: David and Kevin get Attempted Robbery 1 and Possession of a Stolen Motor Vehicle; Fred terminated his complicity by making a timely warning to law enforcement. Kevin also gets arrested for Dangerous Weapons for the brass knuckles.

ANSWER #3: All three for TMVWOP 1. If PC is developed, we can still get a warrant issued under our legal jurisdiction rules. While they remain out of state, the clock will stop on the statute of limitations once the warrant is issued. If they are caught out of state, we can have them extradited back to WA to stand trial.

ANSWER #4: All 10 get arrested for MIP and Criminal Trespass 2; Josh and Ray also get Mal Misc 3; Billy also gets Assault 3.

ANSWER#4-Bonus: Instead of just Josh and Ray getting the Mal Misc charge, all 10 will get it (six buzz words from complicity-solicits, requests, commands, encourages, aids or agrees to aid); this time they would all get Mal Misc 2 due to the amount of damage.

ANSWER #5: Jackson, Les, Guido and Max all face Burglary 2, TMVWOP 1 (3 counts) and Mal Misc 3; Bob, Jim and Sam all face TMVWOP 1 (3 counts), too (they were not aware of any criminal conspiracy at the time the burg et al was done, but they are told of the plans after and agree to participate in the TMV).

ANSWER #5-Bonus: Jackson and Les can be arrested for Solicitation of Burg 2 and TMVWOP 1 (3 counts); Les, Guido and Max face Attempted Burglary 2 ("game day" and substantial step), Attempted TMVWOP 1-3-counts (not conspiracy because it's "game day" and they are at the location), and Mal Misc 3 (because it's a completed crime; Jackson gets charged with this too). TMVWOP needs to have the TAKING be completed AND one of the other prongs. Since they did not TAKE (get) the cars, TMVWOP is not completed so it's attempted/solicited.