

QUESTION 7 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III

After a night of drinking whiskey shots and beer chasers, Tony and Chucky came upon Vance standing at the bus stop in the early morning hours. Tony and Chucky circled the block and confronted Vance. Together they beat and kicked him until bloody, barely breathing and unconscious. Not satisfied with the damage inflicted, Tony tossed Chucky the keys to Tony's car. He told Chucky to back the car up and run over Vance to finish him off. Tony told Chucky he would pull Vance out into the road and did so. Chucky said, "No, I don't want to do it. Let's just go." Tony yelled at Chucky and said, "Do it or you die." Chucky was five years younger than Tony, 50 pounds lighter, and knew Tony carried a gun. Chucky got into Tony's car, backed it up and ran over Vance, killing him.

Apparently feeling no remorse, Tony and Chucky go to the neighborhood convenience store where both work to grab a soda. They told the manager, Mary, what they did. Mary, seeing blood on the store floor and their boots, grabbed a mop and started mopping. Noticing a police cruiser pulling into the store parking lot, Mary told Tony and Chucky to throw their bloody boots in the dumpster and hide in the walk-in cooler.

Tony and Chucky were eventually charged with Vance's murder. Together they claim a defense of intoxication. Tony claims he only beat Vance and Chucky alone killed him. Chucky claims Tony forced him, by his threats, to kill Vance.

Evaluate the chances of success of Tony's and Chucky's defenses. Additionally, can Mary be charged with murder or any other crime? Explain your answers.

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