

**QUESTION 1 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I
OR IN SOFTEST ANSWER SCREEN 1**

Dan works at a convenience store. He knows when the "bank drop" of the week's receipts occurs and that the store manager keeps the money in a cloth bag in his office. Dan calls his friend, Jim, and they discuss stealing the bank drop money from the manager. Dan will go into the store, masked, and Jim will wait at the store door to watch for police. They agree to share the money.

However, neither has a car for the three-mile trip to the store. They agree to call their friend Mike for a ride to the store, and also agree not to tell Mike of their plan. Mike often gives Dan a ride to work, at Dan's request, to pick up his check, so he won't know any different.

On "bank drop" day, Mike picks up Dan and Jim and drives them to the store. During the drive the men talk, but there is no discussion of Dan's and Jim's plan. Mike parks the car about 75 feet from the store, in the closest spot he can find.

Dan and Jim get out while Mike waits in the car. Dan goes into the store, pulls on a gorilla mask, and heads for the manager's office. Jim waits at the store's door as planned. Dan sees the manager at his desk, grabs the moneybag, and heads for the door.

The manager shouts, "Stop him, he's stealing our money!" Dan bolts through the door with Jim right behind him. A patrol officer walking his beat sees Dan run out of the store with the gorilla mask on and carrying the moneybag with Jim right behind. The officer also sees the manager giving chase to the two men, hollering for someone to stop them.

Mike looks up from his cellphone to see gorilla-faced Dan carrying a bag that is losing money as he runs, a panic stricken Jim, and a uniformed officer all running towards his car. As they are feet from the car, Mike locks all the car's doors. All three men are arrested on the spot.

Dan, Jim and Mike are all charged with (1) Larceny from the Person, and (2) Conspiracy to Commit Larceny from the Person. Evaluate the chances of conviction for each defendant. Explain your answers.

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