

A man was planning to propose to his girlfriend, so he took her to a jewelry store to look at engagement rings. After trying on several rings, the girlfriend selected a ring that was well outside of the man's price range. The man asked the girlfriend to wait in the car while he purchased the ring. Once she exited the jewelry store, the man pulled out a gun and robbed the store.

After the robbery, the man calmly returned to the car and sat silently as the girlfriend unwittingly drove them to their house. Shortly after their arrival, a police officer knocked on their front door. Panicked, the man told the girlfriend that he had robbed the jewelry store and begged her not to open the door. Despite his pleas, the girlfriend answered the door. The man quickly hid inside their bedroom closet. When the officer asked the girlfriend where the man was, she said that the man was headed to a neighboring town. The girlfriend provided no further information to the police.

If the woman is charged as an accessory after the fact to robbery and the above evidence is presented at trial, which verdict should the jury render?

- A. Guilty, because the girlfriend aided the man by driving the getaway car.
- B. Guilty, because the girlfriend told the police officer that the man was headed to a neighboring town.
- C. Not guilty, because the girlfriend did not learn of the robbery until after its commission.
- D. Not guilty, because the girlfriend had no duty to report the robbery to the police.

Explanation:

Parties to a crime

Modern view	Common law	Definition	Liability
Principal	Principal (first degree)	Performs criminal act with requisite intent or uses innocent agent to commit criminal act	Target & foreseeable crimes
Accomplice	Principal (second degree)	Present at crime & aids/encourages principal with intent that principal commit crime	
	Accessory before the fact*	Not present at crime but aids/encourages principal with intent that principal commit crime	
Accessory after the fact		Knows principal has committed felony & helps principal avoid arrest or conviction	Independent crime

*Common law liability requires conviction of principal.

A person is an **accessory after the fact** if he/she:

knew that the principal had committed a **felony**

aided or assisted the principal after the felony was committed *and*

did so for the specific purpose of helping the principal avoid apprehension or conviction.

As a result, a person who **gives false information** to the police **to prevent the apprehension of a felon** is an accessory after the fact. But a person who merely fails to report a crime is generally not.

Here, the girlfriend learned that the man had committed a felony after he told her that he had robbed the jewelry store. And though the girlfriend had no duty to report the robbery upon learning about it, she gave the police false information—that the man was headed to a neighboring town—to help him avoid apprehension (**Choice D**). Therefore, the jury should find the girlfriend guilty as an accessory after the fact to robbery.

(Choice A) The girlfriend may have aided the man by driving him away from the robbery. But at that time, she did not know that the man had committed the

robbery. Therefore, this fact is insufficient to find the girlfriend guilty as an accessory after the fact.

(Choice C) The girlfriend did not learn of the robbery until after its commission. But upon learning of it, she lied to the police for the specific purpose of helping the man avoid arrest and is therefore an accessory after the fact.

Educational objective:

An accessory after the fact is someone who knows that a person committed a felony and aids that person for the purpose of helping him/her avoid apprehension or conviction. One can be convicted as an accessory after the fact for giving the police false information to prevent apprehension of a felon, but not for merely failing to report a crime.

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