

A man and his friend decided to commit a robbery. They agreed that the friend would hide in the bushes along a dark street and jump in front of the intended victim, and the man would block the victim from behind. Unbeknownst to the man, his friend had a gun.

A short time later, a woman walked down the street and the friend jumped in front of her. Before the man could approach the woman, the friend lifted his shirt and showed a gun in his waistband. The woman ran away.

What conspiracy offense, if any, can the man properly be convicted of having committed?

- A. Conspiracy to commit armed robbery. (11%)
- B. Conspiracy to commit robbery. (73%)
- C. Either conspiracy offense. (14%)
- D. Neither conspiracy offense. (0%)

Correct

73% Answered correctly

32 secs Time Spent

2023 Version

## Explanation:

### Conspiracy

	Agreement	Overt act
<b>Majority view</b> (modern & MPC)	Unilateral approach – at least one person specifically intends to enter agreement	At least one conspirator must commit overt act
<b>Minority view</b> (common law)	Bilateral approach – two or more persons specifically intend to enter agreement	Not required

**MPC** = Model Penal Code.

**Conspiracy** requires proof that:

two or more persons explicitly or implicitly **entered an agreement** with the specific intent to commit a crime *and*

in most jurisdictions, at least one conspirator committed an **overt act** in furtherance of that agreement.

Here, the man and the friend explicitly entered into an agreement with the specific intent to commit a robbery. The friend then committed an overt act in furtherance of that agreement by threatening the woman with the gun in his waistband. The man was unaware that the friend was armed, so the man lacked the specific intent necessary to be convicted of conspiracy to commit *armed* robbery. Instead, the man can only be properly convicted of conspiracy to commit robbery (**Choices A, C & D**).\*

\*However, the friend can likely be convicted of **attempted** armed robbery since he had the specific intent to commit armed robbery, performed an overt act in furtherance of that crime, but failed to complete it.

### Educational objective:

Conspiracy requires proof that (1) two or more persons entered an agreement with the specific intent to commit a crime and (2) in most jurisdictions, at least one conspirator committed an overt act in furtherance of the agreement.

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