

Two women decided to rob a bank. They asked a friend to drive them to the bank without telling him that they intended to rob it. The friend waited in his car outside the bank while the women went in. Suddenly, the two women rushed from the bank holding bags of money as alarms sounded. The friend drove the women back to their apartment.

What crime, if any, has the friend committed?

- A. Accessory after the fact to bank robbery. (87%)
- B. Accomplice to bank robbery. (7%)
- C. Conspiracy to commit bank robbery. (0%)
- D. No crime. (5%)

Incorrect

Correct answer A

87% Answered correctly

21 secs Time Spent

2023 Version

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 can be a party to a crime as a principal, an accomplice, or an accessory after the fact. 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**.

Here, the friend knew that the women (principals) had robbed the bank (felony) because they rushed from the bank holding bags of money as alarms sounded. He then aided the women by driving them back to their apartment and presumably did so to help them avoid apprehension. As a result, the friend committed the crime of acting as an accessory after the fact to bank robbery.

(Choice B) A defendant is criminally liable as an **accomplice** to a crime if he/she aided or encouraged the principal with the *intent* that the principal commit the crime. Although the friend drove the women to the bank, he did not do so with the intent that they rob it since they had not told him that they intended to commit that crime. Therefore, the friend is not an accomplice to bank robbery.

(Choice C) The crime of **conspiracy** requires proof that the defendant entered into an agreement with another person with the specific intent to accomplish an unlawful purpose. Since the friend did not know that the women intended to rob the bank, he never entered into an agreement (ie, conspired) with them to commit bank robbery.

(Choice D) The friend committed a crime by acting as an accessory after the fact to bank robbery.

Educational objective:

An accessory after the fact is someone who knows that a person committed a felony and aids that person after the felony was committed for the purpose of helping him/her avoid apprehension or conviction.

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