

A man asked his girlfriend to lend him something he could use to break into his neighbor's padlocked storage shed in order to steal a lawn mower. She handed him a crowbar. He took the crowbar but then found a bolt cutter that the neighbor had left outside the shed. Using the bolt cutter, he cut the padlock on the shed and took the mower, which he then used to mow his girlfriend's lawn. She was surprised and pleased by this gesture.

Burglary in the jurisdiction applies to any structure or building, and there is no nighttime element. The girlfriend has been charged as an accomplice to burglary and larceny.

Of which crimes, if any, is she guilty?

- A. Burglary and larceny.
- B. Burglary, but not larceny, because she intended to assist only in the breaking.
- C. Larceny, but not burglary, because she provided no actual assistance to the breaking but received a benefit from the larceny.
- D. Neither burglary nor larceny, because she provided no actual assistance.

Explanation:

Parties to a crime

(modern & majority approach)

Party	Definition	Liability
Principal	Commits criminal act with requisite mens rea <i>or</i> Tricks or forces another (ie, innocent agent) to commit criminal act	Liable for resulting crime
Accomplice	Aids or encourages principal before or during crime with intent that principal commit crime	Liable to same extent as principal
Accessory after the fact	Knows principal has committed felony & helps principal avoid arrest or conviction	Liable for independent crime (not principal's)

Accomplice liability arises when a person:

intentionally aids or encourages another (ie, the principal) before or during a crime with the specific intent that the encouraged crime be completed.

Slight aid or encouragement will suffice, even when such assistance is **not necessary to complete the crime**. And an accomplice is liable to the same extent as the principal for the encouraged crime and any crimes that occur as a natural and probable (ie, foreseeable) consequence of that crime.

This jurisdiction (like most others) defines burglary as the unlawful entry of a structure or building with the intent to commit a crime (eg, larceny) therein. Therefore, the girlfriend aided the man with the intent that he commit both burglary *and* larceny by breaking into the neighbor's shed and stealing a lawn mower (**Choices B & C**). Therefore, the girlfriend is guilty of both burglary *and* larceny.

(Choice D) Although the man ultimately used a bolt cutter instead of the girlfriend's crowbar to accomplish the burglary and larceny, she still provided the aid necessary to be guilty as an accomplice. This is because only slight aid or encouragement is required for accomplice liability.

Educational objective:

Accomplice liability is imposed when a person provides even *slight* aid or encouragement to the principal with the specific intent that the encouraged crime be completed—even when that assistance is not necessary to complete the crime.

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