

A new gang member, hoping to impress the gang's leader, pointed a gun at a pedestrian and ordered her to give him her expensive watch, which she did. The gang member then tossed the watch to the gang leader, who was standing nearby. Although totally surprised by this act, the gang leader put the watch in his pocket. The pedestrian ran away.

What crime did the gang leader commit?

- A. Accessory after the fact to robbery.
- B. Accomplice to robbery.
- C. Conspiracy to commit robbery.
- D. Receiving stolen property.

Explanation:

The crime of **receiving stolen property** is committed when a person:

receives property that he/she **knows was stolen**
with the **intent to permanently deprive** another of that property.

Here, the gang leader knew that the watch was stolen since he witnessed the robbery—ie, the gang member's theft of the woman's watch through force or intimidation. The gang member then tossed the watch to the gang leader, who pocketed it—evidencing his intent to permanently deprive the woman of the watch. Therefore, the gang leader committed the crime of receiving stolen property.

(Choice A) An accessory after the fact is a person who aids or assists another (ie, the principal) by helping the principal *avoid apprehension or conviction* after the crime has been completed. Here, the gang leader did not play this role since his concealment of the watch did not help the gang member in such a manner.

(Choice B) An accomplice (1) knowingly aids or encourages the principal before or during a crime (2) with the intent that the crime be completed. Here, the gang leader was not an accomplice since the gang member acted of his own accord (ie, without aid or encouragement) to impress the gang leader.

(Choice C) Conspiracy is an agreement between two or more people to commit a crime that is entered with the intent to accomplish that crime. Since the gang leader was totally surprised by the gang member's act, they did not agree to commit the robbery.

Educational objective:

The crime of receiving stolen property is committed when a person (1) receives property that he/she knows was stolen (2) with the intent to permanently deprive another of that property.

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Receiving stolen property (knowledge requirement)

Knowledge of theft

No knowledge

