

A drug-dealing operation consisted of three men: a supplier, a dealer, and a lookout. The supplier became convinced that the lookout was a police informant. He persuaded the dealer that they should kill the lookout to avoid problems. They purchased a gun and ammunition to commit the murder and planned to dispose of the lookout's body by pushing it off a cliff.

The supplier arranged a meeting in a remote area of a state park. After the three men arrived, the supplier fired two shots at the lookout, who fell to the ground. Both the supplier and the dealer believed that the lookout was dead. The dealer subsequently pushed the lookout's body off a nearby cliff. Unbeknownst to the supplier and the dealer, the lookout had been wounded by the bullets but was not dead; he died as a result of the fall from the cliff.

Can the supplier be convicted of murder?

- A. No, because the shooting and the disposal of the body were separate events that cannot be viewed as a single scheme or plan. (1%)
- B. No, because the supplier did not intend that the fall from the cliff would kill the lookout. (2%)
- C. Yes, because both the shooting and the disposal of the body were part of the original plan to kill the lookout. (89%)
- D. Yes, because the supplier believed that his shots had killed the lookout. (6%)

Incorrect

Correct answer C

89% Answered correctly

02 mins Time Spent

2023 Version

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)

An **accomplice** is a person who **aids or abets** a principal prior to or during the commission of a criminal offense (eg, murder) with the purpose of promoting or facilitating the commission of the offense. An accomplice is **liable to the same extent as the principal** for: the **crime** for which the accomplice **provided encouragement or assistance** *and* other crimes committed by the principal that were a natural and probable consequence of the accomplice's conduct.

Here, the dealer was the principal because he actually killed the lookout by pushing him off the cliff. The supplier was an accomplice to that killing because he arranged the meeting to murder the lookout and fired two shots at the lookout after he arrived (aiding and abetting). And since both the shooting and the disposal of the body were part of the original plan to kill the lookout, the supplier can be convicted of murder as an accomplice.

(Choice A) The shooting and the disposal of the body *were* part of the plan devised by the supplier and the dealer to kill the lookout. Therefore, the supplier can be convicted of murder as an accomplice.

(Choice B) The supplier did not intend for the lookout to be killed by the fall from the cliff, as he believed that the lookout was already dead from the two shots. However, the supplier did intend to murder the lookout and assisted the dealer in doing so. Consequently, the supplier can be convicted of murder.

(Choice D) The fact that the supplier believed that his shots had killed the lookout does not establish that he can be convicted of murder as an accomplice. Instead, the supplier is liable as an accomplice because he purposefully aided the dealer in killing the lookout.

Educational objective:

An accomplice is a person who aids or abets a principal before or during the commission of a crime with the purpose of promoting or facilitating the commission of the crime. An accomplice is liable to the same extent as the principal for the crime for which the accomplice provided encouragement or assistance.

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