

A chemistry student manufactured and sold methamphetamine to pay for her college tuition. One day, she mentioned to a friend that state law strictly limits purchases of certain medications used in the production of methamphetamine. Because the student could only purchase a small quantity of these medications at a time, she also mentioned that it would take her until the next semester to acquire enough ingredients to produce her next batch.

That night, the friend asked the student for a ride to a local pharmacy to pick up a few items. Unbeknownst to the student, the friend stole several boxes of the medication that the student needed to make methamphetamine from the pharmacy shelf. The student then drove the friend back to the friend's dorm room.

Later that week, the friend delivered the stolen boxes of medication to the student. When the student asked how the friend had gotten the medication, the friend admitted that she had stolen it from the pharmacy. The student offered to pay the friend for the medication, but the friend said, "Don't worry about it. Friends support each other." The student accepted the medication and started preparing a batch.

On these facts, which of the following crimes has the student committed?

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

Explanation:

Receiving stolen property is a statutory crime that is committed when a person:

receives control of stolen personal property

knows that the property was **stolen** (eg, unlawfully obtained through larceny, embezzlement, false pretenses) *and*

specifically intends to permanently deprive the owner of that property.

Here, the student accepted the medication (received control) after the friend admitted that she had stolen it from the pharmacy (knowledge). The student then began preparing a batch of methamphetamine with the stolen medication, indicating her intention to permanently deprive the owner of the medication. Therefore, the student committed the crime of receiving stolen property.

(Choice A) An **accessory after the fact** is a person who aids or assists a felon in avoiding apprehension or conviction after commission of the felony (eg, larceny). Here, there is no indication that the student did anything to assist the friend in avoiding apprehension or conviction after the friend stole the medication.

(Choice B) An accomplice is a person who (1) intentionally aids or encourages the principal before or during a crime (2) with the specific intent that the crime be completed. Here, the student *did* assist the friend in carrying away the stolen medication, but she did so unknowingly. Therefore, the student lacked the requisite intent to be an accomplice to larceny.

(Choice C) **Conspiracy** requires proof that two or more persons entered an agreement with the specific intent to commit a crime. Here, the student and the friend never entered into an agreement to steal medication from the pharmacy before the theft took place. As a result, the student did not conspire to commit larceny.

Educational objective:

Receiving stolen property is committed when a person (1) receives control of stolen personal property, (2) knows that the property was stolen, and (3) specifically intends to permanently deprive the owner of that property.

