Complicity or Accomplice Liability

- Principals (1\textsuperscript{st} and 2\textsuperscript{nd} degree) and Accomplices (before and after the fact).
- Accomplice Liability (before and during) and Rendering Criminal Assistance (after the fact).
- Conspiracy (separate crime) v. Accomplice Liability (charged with crime permitted by principal)
- American law punishes Accomplices the same as Principals.
Mens Rea

♦ Dual Intent: Intent to aid in the commission of the offense
  – Intent to aid
  – Shared criminal intent with the Principal
Variations on Hicks (p. 609)

♦ (a) There is neither the required mens rea, nor actual aid.
♦ (b) There is actual aid, (as long as the words are heard by Rowe), but does intent to “enjoy the spectacle” translate into “intent to aid.”
♦ (c) There is the required mens rea, but no actual aid.
♦ (d) There is the required mens rea, and actual encouragement in the assurances that Hicks gives to Rowe.
Wilson – Agent Provocateur

♦ Burglary is entering and remaining unlawfully in a building with the intent to commit a crime (e.g. theft).

♦ Theft requires that a defendant take property with the intent to permanently deprive the owner of its possession.
Mens Rea of Knowledge

MPC Tentative Draft §2.04(3) A person is an accomplice of another person in the commission of a crime if...acting with knowledge that such other person was committing or had the purpose of committing the crime, he knowingly, substantially facilitated its commission.

RCW 9A.08.020(3) A person is an accomplice of another person in the commission of a crime if..with knowledge that it will promote or facilitate the commission of the crime, he solicits, commands, encourages, or requests such other person to commit it ....or aids or agrees to aid such other person in planning or committing it.