A. Intentionally Aids P’s Conduct

P.’s Intentionally Engages in Conduct

Negligence or Recklessness

Result
Attempted Complicity? p. 630

- (a) There is only an attempt to aid. Talley does not succeed in facilitating result or putting the decedent at any disadvantage. No liability under CL. Liability under MPC.
- (b) Talley would be an accomplice to the crime of attempted murder, if the Skelton brothers fulfilled the AR for attempt.
- (c) Talley is an accomplice to attempted murder.
## Common Law v. MPC

<table>
<thead>
<tr>
<th>ACTUS REUS</th>
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<th>MPC</th>
</tr>
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Does the Principal need to commit a CRIME?

- **Common Law**: YES (either attempt or completed crime)
- **MPC**: NO §5.01(3) and commentaries to §2.06 – D. is guilty of crime of attempt.
Variations on Hayes

- Suppose that Hill had opened the window and Hayes had climbed through?
  - We don’t have to convict Hayes as an accomplice; he can be convicted as a principal.

- Suppose that Hill had been forced at gunpoint by Hayes to go into the building?
  - Hill used Hayes as an innocent instrument of his own will and would be convicted as a principal.
Derivative Nature of Accomplice Liability (p. 639-44)

♦ Assisted Suicide – make act of “accomplice” criminal
♦ Non-culpable principal as innocent agent
♦ Limits of innocent agent doctrine
♦ Culpable - but unconvictable - principal
♦ Acquitted Principal
♦ Defense: Victim can not be charged as Accomplice