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1. Events at the store

The issue is what crimes could Jim reasonably be charged with regarding the events at the store.

Conspiracy is the meeting of the minds of two or more individuals for the purposes of committing a criminal act. Conspiracy in common law is bilateral and requires a true meeting of the minds between two or more people. In a majority of jurisdictions, conspiracy is unilateral and requires genuine intent by one party believing himself to be in a conspiracy with another. Robbery is the taking of property by force and is a felony. Felony murder applies to any murder committed during the commission of a felony. If a defendant commits a felony he may be responsible for killings by third parties who were attempting to defend themselves from the defendant. For purposes of felony murder, the culpability ends when the perpetrator has returned to a safe haven or place of safety.

Here, we are told that Jim and Fred armed themselves and drove to the store on Avon Street. We can assume that there was a meeting of the minds between Jim and Fred where they were in agreement about plans to rob the store. They acted in concert when they demanded money from Salma further proving that there was a plan in motion. In a jurisdiction where common law conspiracy is followed this would satisfy as a conspiracy because both parties agreed to commit the crime as well as in jurisdictions where unilateral theories are followed. Because Jim and Fred drew their guns and demanded that Salma give them the money and Salma did produce the money we know that there was a taking by force and thus a robbery did occur. We are told that the gun went off after Jim nervously dropped it on the floor. This resulted in the killing of Chris a store customer. This was a killing during the commission of a felony and Jim is guilty of felony murder. It is not a defense that Jim did not intentionally kill Chris. Salma acted in defense of herself and the other customers and shot Fred killing him. It is plausible that Jim will be found responsible for the death of Fred also as it was a killing that occurred during the commission of a felony that he perpetrated. Because we are told that Jim returned to his apartment the felony is considered complete at that time.

As a result, Jim could reasonably be charged with conspiracy, robbery and felony murder.

2. The incident on Park Street

The issue is what crimes could Jim reasonably be charged with regarding the incident on Park Street.

Attempt is a specific intent crime. It requires an overt act in furtherance of a specific crime. Murder is

the unlawful killing of a human being with malice aforethought. Malice speaks to intent or premeditation, intent to commit serious bodily injury or depraved heart murders.

Here, we are told that Jim drove back to his apartment after the events at the store. Jim sees Salma walking down Park Street and wants to "eliminate" her. We can assume this means he wishes to kill her. If successful, it would qualify as murder as it would be the killing of a human being with malice aforethought as he intends to commit grave harm upon Salma. However, we are told that Jim shoots at Salma but the bullet misses her. Jim is not guilty of murder but this does qualify as an attempt as he shot at her with the intention of killing her.

As a result, Jim can reasonably be charged with attempted murder.

3. Suppression of gun

The issue here is whether Jim can successfully move to suppress Jim's gun from being introduced into evidence at trial.

The Fourth Amendment protects citizens from unreasonable searches and seizures by the government. A search is conducted upon a person or item in a person's possession and a seizure can be understood as when a person feels that they are not free to leave the situation. If evidence is obtained as a result of an illegal search it may be suppressed as fruit of the poisonous tree. If a police officer has reasonable suspicion that criminal activity is afoot they may stop an individual and conduct a search for weapons. Probable cause is the standard for arrests and evidence of a weapon or contraband satisfies this element.

Here, we are told that Officer Bakari had no knowledge of events at the store or on Park Street and stopped Jim solely because Jim looked nervous. Without further evidence it seems unlikely that looking nervous is enough justification for stopping Jim. Looking nervous on its own does not warrant the belief that criminal activity is afoot. Had Officer Bakari had proper reasonable suspicion, the stop would be valid and a search for weapons would be proper. But, here there is no evidence of that. There could be an argument that Jim consented to the search by exiting the car but that may fail given the circumstances that Jim probably felt that he was not free to leave. Once out of the car, Officer Bakari saw a bulge under Jim's shirt. Officer Bakari would now be authorized to search Jim for a concealed weapon which he did in fact find. Ultimately, this determination turns on whether the stop of Jim was proper. If it was then the search of Jim would also be proper and the gun could come in as evidence. If not, the gun would be fruit of the poisonous tree and suppressed. There seems to be a strong argument that reasonable suspicion was not present here. If a court agrees then Jim would likely be able to

suppress the gun.

As a result, the suppression of the gun will likely turn on whether the court finds that Officer Bakari had the reasonable suspicion required to stop Jim and conduct a search for weapons.

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