

PART ONE: ESSAY

Dan, Arnie and Bert decided to go after a local grocery store. The plan was for Dan to drive the car, and Arnie and Bert to go into the store. Arnie had a gun, but he was known to be rather uncontrollable and impulsive. Dan told Bert to watch Arnie when they went inside the store. Dan wanted to make sure that no one was hurt by either Bert, or especially Arnie. Bert told Dan he'd make sure Arnie didn't do anything with the gun, and he (Bert) told Arnie to make sure he didn't do anything harmful with the gun.

On the morning of the day in question, all met at Dan's apartment, and had several drinks in advance, laughing about what was going to go down. Thereafter Dan drove Arnie and Bert to an area near the store in question, and then Dan waited in the car near the store while Bert and Arnie went inside the store. When inside, Arnie indeed became emotional. He went over to the counter and, speaking to the storekeeper, got excited and started yelling, "Give us your money, give it all to us, I've got a gun, I'll shoot you." Bert as well started yelling, "Don't do anything, he's crazy, he's got a gun."

The storekeeper, having been held up several times, kept a gun behind the counter. At a moment in the incident, he reached down, grabbed the gun and shot at Arnie to kill him, but missed. Arnie and Bert ran out of the store, Arnie shooting his gun in the air, and then jumped into the waiting car, with Dan driving and racing away from the store.

At the time, a police car was making routine rounds. Cas, the officer driving the car, saw the car racing away, and surmised what seemed to have happened. Cas followed Dan's car at a high rate of speed. Unfortunately, while chasing Dan and the others, Cas lost control of the car and it hit and killed a pedestrian. This truly scared Dan and the others. While driving, they started screaming at one another and Arnie pulled out the gun and said that if Dan didn't drive faster Arnie would kill Dan. As a result, Bert hit Arnie and pushed him out of the car and Arnie was killed when his head hit the curb.

Bert and Dan managed to escape apprehension from the trailing police, but the car, registered to Dan, will easily be traced and both Bert and Dan will soon be arrested. At this point, a decision has to be made by the District Attorney as to what crimes had likely been committed, by whom, and what defenses are likely to be successful to those crimes.

You are the deputy attorney responsible for charging decisions. The District Attorney is an immensely busy woman and requires a succinct, well-organized and well-written memo telling her what crimes have been committed and what defenses are likely to be successful, if any.

END OF PART ONE