Forum 1 Minimum 350 words 2 sources in APA format

While a bunch of neighbors were finishing a late-night dinner on the patio of a home, a man wearing a ski mask and carrying a gun visible to all leaped onto the patio and demanded money, threatening to shoot someone if his demand was denied.  The man took off his ski mask and took some chicken wings.  After eating a few of them he commented the food was very good. The neighbors offered him more food, and he put his gun in his belt.  He apologized and told them he had come to the wrong house.  The man left, stealing nothing and hurting no one.

Questions:

**Did the person commit the crime of attempted robbery or robbery under the MPC?  Can he argue successfully that he abandoned his criminal activity before a crime was committed?**

Forum replies: No less than 150 words for each reply. Each reply must be unique. Minimum 1 source for each reply.

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| This week we are looking at a robbery / attempted robbery case. This comes perfectly after last week’s inchoate crimes (Incomplete Crimes). With the man wearing a ski mask while carrying a gun, he had premediated this crime. When he was preparing to commit the crime, he has mens rea (understanding of what he was doing). Looking at the situation, he chose that house because he saw people outside. I’m assuming that he thought he could rob them with the best possible escape route being the darkness in the streets. It would be more risky to enter a house and demand money, than on a front porch. Since he was also carrying a gun, I would look at charging him with banishing a weapon. Depending on the state and his record I would charge him with illegally carrying a concealed firearm, and possibly a felon in possession. Article 5 Section 5.07 Prohibited Offensive Weapons.  If he feels comfortable robbing a group eating dinner on their porch, then he probably has done this before. I would then charge him with robbery as described in the MPC. Article 222. Robbery Section 222.1. “A Person is guilty of robbery if, in the course of committing a theft, he: (b) threatens another with or purposely puts him in fear of immediate serious bodily injury. The man threated the group with a gun, demanding money. I would think that the court would probably reduce it to attempted robbery.  The group did not give him money, but they did give him food. Food can be considered a monetary value, meaning it may not be money but is still worth something. That would reinforce the robbery charge, since his weapon and presence coerced them to give him food otherwise they wouldn’t have. Though the man left after eating the good food, he still has his weapon out until right before he leaves. This would cause an individual to fear of death or great bodily harm. Though he apologized and said he went to the wrong house, he still in my book stole that food. I also think that the kindness and hospitality of the neighbors coerced the man to stop from demanding anything else. I would think that the man committing these actions would plead some type of insanity case. My personal opinion is that he has some type of personality disorder or a compulsive disorder. If not that, he is under some type of stress. The fact he left after the food shows me he has a heart and has compassion for people. Maybe someone in his immediate family is sick, or in danger?  *American Law Institute. (1985). Model penal code : official draft and explanatory notes : complete text of model penal code as adopted at the 1962 annual meeting of the American Law Institute at Washington, D.C., May 24, 1962. Philadelphia, Pa. :The Institute,* |

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| Week 6 Forum Post Hello Everyone, The person committed the crime of attempted robbery. The Model Penal Code?s definition of robbery has eliminated the requirement that force or the threat of force is used to essentially take property. As long as the threat of force or force is used during the crime, the defendant can be convicted for robbery. In common law, robbery is essentially defined as larceny plus use of force. For a defendant to be convicted of robbery, the prosecutors must have proof of all components regarding larceny, in addition to two other elements. First, is that the property must be taken from the victim?s person or in their presence. The second is that the crime was done by either violence or the threat of violence. Property is considered in presence of the victim if it is close enough to prevent the theft but cannot act because of the threat of violence. In regards to our scenario, the threat of violence was obvious when the man leaped onto the patio armed with a gun and threats to shoot. The man had the intent to steal and harm people when he leapt on the patio. He planned and wore a ski mask so he can get away. It can be argued that there was no one harmed in the whole ordeal. However, the excuse of it being the wrong house is not sufficient as the man did plan to rob and, if ever, kill someone to get his money. The presence of his gun also does not cancel the threat. Intent and threat of force/violence were present for the whole duration of the scenario. Also, it is highly likely that the man will pursue his robbery after the scenario. Thank you for reading! Zarine References Robbery. (n.d.). Retrieved March 11, 2019, from <https://lawshelf.com/courseware/entry/robbery> |