

Local Essay Question #1

THIS QUESTION RELATES TO A RHODE ISLAND CRIMINAL PROSECUTION. AT THE END YOU WILL BE ASKED TO IDENTIFY CRIMES WITH WHICH PARTICULAR PARTIES MAY BE CHARGED, AND POSSIBLE DEFENSES THOSE PARTIES MIGHT ASSERT.

Bradley and Jennifer worked together at a jewelry store. On the side they were involved together in street-level drug dealing. Their drug supplier, Robert, accused them of skimming from his share of the proceeds of their drug sales. He threatened to “mess them up” if they didn’t immediately pay him the \$5000 that he believed they had “shorted” him. Bradley and Jennifer couldn’t come up with that kind of money immediately on their own, so they decided they would “borrow” it from the jewelry store’s cash drawer. Jennifer had a settlement check coming from a personal injury case within a few weeks, so she was confident that the pair would be able to replace the cash before the jewelry store owner noticed it was missing.

On the appointed day, Jennifer and Bradley each “borrowed” \$2500 from their separate cash drawers. She and Bradley had agreed to meet Robert after hours in a parking lot across the street from the jewelry store to give him the \$5000. Unbeknownst to Jennifer, Bradley had arranged to have a friend, Oscar, show up at the meeting. Bradley told Oscar that he should pull a gun on Robert and demand all of the cash from him. Bradley thought this would be a great way to put the “borrowed” \$5000 back in the jewelry store cash drawers before anyone noticed it.

Things didn’t go exactly as Bradley had expected. When Oscar showed up and pulled the gun, Robert brazenly went for it, grabbing Oscar’s hand. In the ensuing melee, the gun went off twice. The first bullet struck Jennifer, seriously wounding her in the shoulder, but not killing her. Meryl, a passing pedestrian, was not so lucky; the second bullet struck her in the chest and she died instantly. Oscar was arrested and made a deal to testify as a witness for the State.

1. The Attorney General has charged Bradley, Jennifer, and Robert with the murder of Meryl. Applying Rhode Island law, explain whether each of them can be convicted and describe the defenses that each might raise.
2. Other than the homicide, with what other offenses could each of Bradley, Jennifer, and Robert be charged under Rhode Island law? Explain your answer.

*****END OF LOCAL ESSAY QUESTION 1*****