

EXTENDED LIABILITY

- **WHAT is it?**
 - **Multiple D cases, Multiple Crimes**
 - Sitting in back seat or Watch a fight = 187
- **PURPOSE of it:**
 - Prep & Try Extended Liability Capers
 - 1st Lesson: Don't Say "Extended Liability Theory"
- **HOW to learn it:**
 - Explain Theory
 - Case Study...TIPS & TRICKS
- **CREDITS:** WPD & GGPD: Vi, Maciel
 - Granbics & Tech Services

EXTENDED LIABILITY

When to Use?

- **Aid & Abet:** Help do something specific
 - 400, 401
- **Natural & Probable Consequences**
 - "Target Crime" = Intended 402
 - "Non-Target" = additional, unintended 403
- **Conspiracy:** Agreement + Overt Act
 - Charged (415) v. Uncharged (416)
 - Liability for Coconspirator's Acts: 417
 - Co-Conspirator Statements: 418
 - Great for those who Flip – preponderance standard

VOIR DIRE: TIPS

- Aid & Abet Hypos: 211, 594, Construction
 - Push Example beyond your facts
- Nat & Prob: "In for a Penny, In for a Pound..."
 - Kicker
- Conspiracy: Convict for Incomplete/Failure
 - Old West
- Court Instructs "This is Law, problem following?"
 - See Difference b/w Agreeing and Being Perpetrator?
 - Any Problem Convicting Person? Ask each Juror
- POINT OUT:
 - Never Asked, "Should Get Same Punishment?"

AIDING & ABETTING

Mental State + Affirm Action

1. The perpetrator committed the crime;
2. The defendant knew that the perpetrator intended to commit the crime;
3. Before or during the commission of the crime, the defendant intended to aid and abet the perpetrator in committing the crime;

AND

4. The defendant's words or conduct did in fact aid and abet the perpetrator's commission of the crime.

AID & ABET: TIPS

- Most Common, Win in Voir Dire
- Eyes of LAW: Both Equally Guilty
- A&A Charged Crime v. Natural & Probable
 - Charged = 401
 - Nat & Prob = 402 or 403

NATURAL & PROBABLE

1. The defendant is guilty disturbing the peace;
2. During the commission of disturbing the peace, a co-participant committed the crime 187, 664/187, 246, 192, 664/192
3. Under all of the circumstances, a reasonable person in the defendant's position would have known that the commission of the crime of 187, 664/187, 246, 192, 664/192 was a natural and probable consequence of disturbing the peace.
