

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law
AZ POST DESIGNATION:	2.11 Chapter 19 Robber
HOURS:	1
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will: 2.11.19.1 Given a written, verbal or visual description depicting the possible commission of the following crime(s), identify if a crime occurred and, if so, the common crime name and classification: A. Robbery and related offenses (A.R.S. Title 13, Chapter 19).

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED:	SME Committee	DATE: May 2002
REVIEWED – REVISED:	SME Committee	DATE: April 2003
REVIEWED – REVISED:	SME Committee	DATE: January 2009
REVIEWED – REVISED:	SME Committee	DATE: November 2011
REVIEWED – REVISED :	SME Committee	DATE: August 2019
REVIEWED – REVISED :	SME Committee	DATE: December 2020
REVIEWED – REVISED :	AZPOST (DocX)	DATE: January 2022
AZ POST – APPROVAL:	Steve Enteman	DATE: August 2019
AZ POST – APPROVAL:	Mandy Faust	DATE: February 2021
AZ POST – APPROVAL:	Lori Wait	DATE: January 2022

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 19 Robbery

DATE RELEASED TO THE SHARE FILE: May 27, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. ***INSTRUCTOR NOTE:** Use if taught as a “stand alone” lesson plan.*

II. 13-1901 – DEFINITIONS

P. O. 2.11.19.1A

- A. Force – means any physical act directed against a person as a means of gaining control of property.
- B. In the course of committing – includes any of the defendant's acts beginning with the initiation and extending through flight from a robbery.
 - 1. Note that this definition is similar to that in burglary.
 - a. However, in the burglary statute "in the course of committing" included entry to a structure and flight from the scene.
 - b. "Entry" is a lot easier to articulate than "initiation."
 - 2. Keep in mind that anything a suspect does while fleeing from the scene of a robbery is considered "in the course of committing" that robbery.
- C. Property of another – means property in which any person, other than the defendant, has an interest in which the defendant is not privileged to infringe.
- D. Threat – means a verbal or physical menace of imminent physical injury to a person.
- E. Accomplice - a person, other than a peace officer acting in his official capacity within the scope of his authority and in the line of duty, who with the intent to promote or facilitate the commission of an offense:
 - 1. Solicits or commands another person to commit the offense; or
 - 2. Aids, counsels, agrees to aid or attempts to aid another person in planning or committing an offense.
 - 3. Provides means or opportunity to another person to commit the offense.

III. 13-1902 – ROBBERY

P. O. 2.11.19.1A

- A. A person commits robbery if in the course of taking any property of another from his/her person or immediate presence and against his/her will, such person threatens or uses force against any person with intent either to coerce surrender of property or to prevent resistance to

such person taking or retaining property.

- B. (Used to be called "strong-arm" robbery. No use of weapons – "Give me your money or I'll beat you up!")
- C. Robbery is a felony.

IV. 13-1903 – AGGRAVATED ROBBERY

P. O. 2.11.19.1A

- A. A person commits aggravated robbery if, in the course of committing the robbery, such person is aided by one (1) or more accomplices actually present.
- B. This section penalizes more seriously a robbery committed under aggravating circumstances which manifests greater planning, coercion and potential violence than does a singlehanded act.
- C. Aggravated robbery is a felony.

V. 13-1904 – ARMED ROBBERY

P. O. 2.11.19.1A

- A. A person commits armed robbery if, in the course of committing the robbery, such person or an accomplice:
 - 1. Is armed with a deadly weapon or simulated deadly weapon; or
 - 2. Uses, or threatens to use, a deadly weapon or dangerous instrument or a simulated deadly weapon.
- B. It would be quite obvious that if Mr. X walked into a Circle K, pointed a gun at the clerk and demanded money, we would have an armed robbery.
- C. But what if Mr. X has a gun in his pocket, walks into a Circle K and says, "This is a hold up – give me the money or you will get hurt" – do we still have an armed robbery because he "is armed with a deadly weapon"?
- D. Yes, if the defendant was actually armed with a gun, we do not have to show that he actually used, or threatened to use, it.
- E. Likewise, according to A. 2., Mr. X could go into the Circle K unarmed, put his hand in his coat, pretend his finger is a gun barrel and say "I've got a gun and if you don't give me the money I'll shoot" – and commit an armed robbery.
 - 1. "Armed robbery conviction does not require a visible weapon; all that is required is a threat of using the weapon." (State v. Smith (1972) 198 N. W. 2d 630, 55 Wis. 2d 304)
 - 2. Well, not quite! See #2 on the next page.

3. **Important: A major change in this area of the law came about as the result of the Arizona court case, State v. Garza Rodriguez. (Important to discuss this with students)**
 4. **The case held that the pretense of having a weapon is NOT enough to charge with armed robbery.**
 5. **The defendant must go a step beyond just SAYING at the time of the robbery that he/she has a deadly weapon, the suspect must actually have a weapon-or simulate a deadly (ex. Pressing an inhaler into a person's back).**
 6. **If all the suspect does is imply possession of a weapon, the correct charge is robbery.**
- F. Note that paragraph A includes the actions of an accomplice: ***INSTRUCTOR NOTE: Optional, Discuss with the class using recent department examples. There is an interesting spinoff related to the topic of accomplice liability for armed robbery : State v. Gonsalves, 231 Ariz. 521, 297 P.3d 927, 655 Ariz. Adv. Rep. 4 (Ariz. App. 2013) A & B committed armed robbery together. A had the gun but B is a prohibited possessor. B can be charged with Misconduct involving weapons in violation of ARS 13-3102A4 under the doctrine of constructive possession if (1) he had actual knowledge of the firearm & (2) the possession, use or threatened use of the firearms was essential to the commission of the offense.***
1. Mr. X and Mr. Y drive up to the local stop and rob.
 2. Mr. X goes inside unarmed and uses a threat of harm to commit robbery.
 3. Mr. Y stays in the car and he is armed with a handgun.
 4. **Both have just committed armed robbery.**
- G. Paragraph A also includes the term "in the course of committing":
1. Mr. X goes into a cafe unarmed and robs it.
 2. He has a gun under the driver's seat of his car.
 3. As soon as he gets back into his car to make his getaway, he has committed armed robbery.

VI. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).