

Solicitation, Conspiracy, Attempts, Principals, and Accessories Offenses

Brittany Williams
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Crimes of Preparation

Solicitation
Conspiracy
Attempt

After-the-Fact Crimes

Accessory after the fact
Compounding a felony

Responsibility as Principal

Accessory before the fact
Aiding and abetting
Acting in concert

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General Crimes

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Solicitation

Enticing, advising, counseling, inciting, inducing, ordering, or commanding another to commit a crime with the specific intent that the other person commit the crime

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Conspiracy

Entering into an agreement with at least one other person to commit an unlawful act with intent that the agreement be carried out

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Attempt

While specifically intending to do something that is a crime, performs an overt act calculated and designed to bring about the crime, and the act falls short of the completed offense

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Accessory after the Fact

A person is guilty of this offense

when a felony was committed by another person (the principal) and

after the felony was committed, the person knowingly gave the principal personal assistance in escaping or attempting to escape detection, arrest, or punishment

knowing that the principal committed the crime

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Compounding a felony

A person is guilty of this offense

when another person (the principal) has committed a felony and

the person knows that the principal has committed a crime and

agrees

not to prosecute,
not to inform, or
to dismiss the prosecution

in exchange for something of value

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Participants in Crimes

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Principals

A person is a principal to a crime when

with the required state of mind, he or she commits all of the acts necessary to constitute the crime

OR

with the required state of mind, he or she causes the occurrence that constitutes the crime by using another who is not himself or herself guilty but brings about the occurrence in the person's absence

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Acting in concert

A person is a principal to a crime when he or she

is actually or constructively present at the scene when the crime is committed and

acts together with another who does acts necessary to constitute the crime

pursuant to a common plan or purpose

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Aiding and abetting

A person is a principal to a crime when

a crime is committed by another person,

he or she knowingly advises, instigates, encourages, procures, or helps the other person commit the crime, and

his or her actions or statements caused or contributed to the commission of the other person

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Accessory before the fact

A person is a principal to a crime when

before a felony is committed by another person, he or she counsels, procures, commands, or knowingly aids the other person to commit the felony,

the felony is committed by the other person,

he or she is not present when the other person commits the felony, and

his or her actions or statements caused or contributed to the commission of the crime by the other person

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Examples

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Question 1

Tonya, world class roller skater, suspects that her husband, Jeff, and her bodyguard, Bill, are planning to assault Tonya's chief roller-skating rival, Bambi.

The plan is to break Bambi's nose with a baseball bat so that potential sponsors will not be interested in using her in commercials even if she wins the upcoming world roller-skating championship.

Tonya says nothing to the authorities, and Bambi is later assaulted.

What crimes, if any, has Tonya committed?

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Question 2

Tonya is concerned that if the World Roller-skating Association (WSA) learns of her prior knowledge of the planned assault on Bambi, the WSA will not let her skate at the world roller-skating championship next month. After the assault takes place, Tonya agrees with Jeff that she will not report him to the police if he will not say anything to the WSA.

What crimes, if any, has Tonya committed?

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Question 3

Assume Bill, Tonya's bodyguard, goes to John and offers him \$10,000 to break Bambi's nose with a baseball bat. John says he's not interested. What crimes, if any, has Bill committed? What about John?

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Question 4

Same facts as Question # 3, except John accepts the money. However, three weeks later he changes his mind and does not commit the assault. What crimes, if any, have Bill and John committed? What if John returns the money?

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Question 5

Suppose Bill goes to Jim and makes the same offer. Jim accepts the money and agrees to break Bambi's nose. Two weeks later Jim follows through on the plan. At the time of the assault, Bill is home asleep. What crimes, if any, has Bill committed?

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Questions?

bwilliams@sog.unc.edu

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