

INCHOATE CRIMES

| | What is it? | Elements | Intent | Merges | Defenses | Punishment |
|---------------------|------------------------------------|--|--|--------|--|--|
| Attempt | Trying to do something | <ol style="list-style-type: none"> 1. the specific intent to commit the crime and 2. an “act” that is in furtherance of crime. | specific intent to commit the underlying crime | YES | <p>Legal impossibility is a good defense</p> <p>Factual impossibility is generally not a defense</p> <p>Voluntary Withdrawal</p> | General rule is that the punishment is similar to that of the committed crime although it may not be as severe. |
| Conspiracy | Agreeing to do something | <ol style="list-style-type: none"> 1. agreement 2. intent to form the agreement (specific intent crime) 3. intent to accomplish an objective 4. overt act in furtherance of that conspiracy. | Specific Intent | NO | Withdrawal is no defense to a conspiracy, because the crime is completed the minute the conspiracy is agreed to. However, withdrawal is a defense to liability for crimes committed by co-conspirators after the withdrawal. | General rule is that the punishment is similar to that of the committed crime although it may not be as severe. |
| Solicitation | Soliciting someone to do something | Where the defendant advises, encourages, induces or requests another person to either commit a crime or join the defendant in committing a crime. | Specific Intent | YES | None. The crime is completed in the asking | Most states it is a misdemeanor or at least lower penalty than the completed crime |

