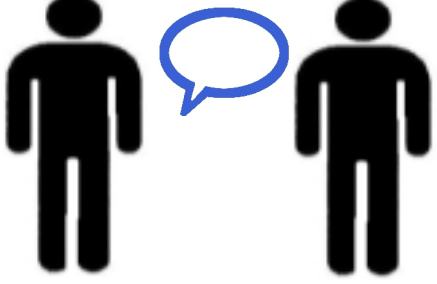
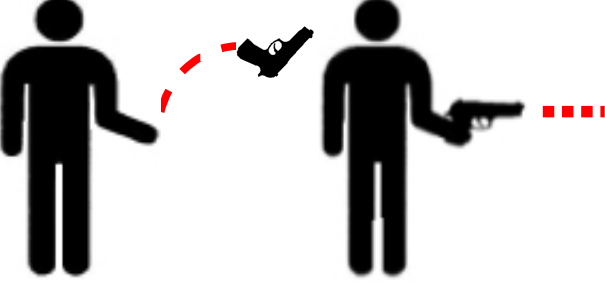

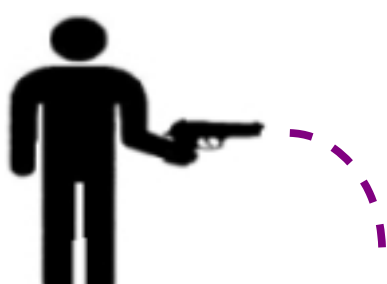


# Elements & Defenses

## to Inchoate Crimes and Accomplice Liability

Elements & Defenses	<b>Solicitation</b> 	<b>Accomplice</b> 	<b>Conspiracy</b> 	<b>Attempt</b> 
<b>Actus Reus</b> Not Guilty If No Overt, Voluntary Physical Act	<b>Incite, Counsel, Advise, Induce, Urge, or Command</b> Another to Commit a Crime	<b>Aid, Counsel, or Encourage</b> Before or During Another's Crime	<b>Agreement</b> To Achieve Unlawful Purpose (Modern Majority: Agree To Commit a Crime & Overt Act)	<b>Substantial Step</b> Beyond Mere Preparation (Last Act, Danger, Prox.)
<b>General Intent</b> Not Guilty If General Intent Not Present	<b>Intent to Ask</b>	<b>Intent to Aid, Counsel, or Encourage</b>	<b>Intent to Agree</b>	<b>Intent to Do the Act</b>
<b>Specific Intent</b> Not Guilty If Specific Intent Not Present	<b>Intent that Person Solicited Commit Crime</b> General Approval Not Enough	<b>Not Specific Intent Crime</b> But Must Have Intent to Aid Mere Knowledge Not Enough	<b>Intent to Achieve the Objective of Agreement</b>	<b>Intent to Accomplish the Crime</b>
<b>Specific Intent Defenses:</b> Duress; Unreas. Mistake; Voluntary Intoxication	<b>If Defense Negates the Specific Intent</b>	<b>If Defense Negates Intent to Aid</b>	<b>If Defense Negates the Specific Intent</b>	<b>If Defense Negates the Specific Intent</b>
<b>Merger</b>	<b>Merges With Target Crime</b> (or with Consp.)	<b>Not Applicable</b> Crime Already Committed	<b>No Merger</b> (Old Rule Allowed Merger)	<b>Merges With Target Crime</b>

<b>Withdrawal or Abandonment</b>	<b>No Defense</b> (Crime Complete Upon Asking)	<b>1. Repudiate</b> the Request or Encouragement <b>2. Neutralize</b> the Material Aid <b>3. Notify Authorities</b> In Time to Stop the Crime	<b>No Defense to Conspiracy</b> , But Defense to Subsequent Crimes <b>Good Defense</b> If Before Overt Act, In Jurisdictions that Require It	<b>Once in Danger Zone:</b> <b>Majority:</b> No Defense <b>Minority:</b> Defense if Permanent, Unequivocal, and Successful
<b>Impossibility</b>	<b>No Defense</b> (E.g., soliciting an undercover cop)	<b>Not Applicable</b> Crime Already Committed	<b>Good Defense</b> if Other Person "Agreeing" Is Undercover Cop or Otherwise Not Guilty <b>No Defense</b> if Goal of Conspiracy Factually Impossible to Achieve	<b>Factual: No Defense</b> (E.g. Unloaded Gun) <b>Legal: Good Defense</b> (E.g. Attempted Act Not Illegal)
<b>Exemption or Exclusion From Intended Crime</b>	<b>Good Defense:</b> If One Could Not Be Guilty of Target Crime, Not Guilty of Solicitation	<b>Exemption: No Defense</b> Inability to Be the Principal Does Not Bar Accomplice Liability <b>Exclusion: Good Defense</b> Protected Class Or Legislative Intent	<b>Good Defense</b> Wharton's Rule or Protected Class <b>No Defense</b> Legislative Intent	<b>Not Applicable</b>
<b>Mitigating Factors</b>	<b>N/A</b>	<b>N/A</b>	<b>Mistake, Insanity</b>	<b>N/A</b>
<b>Variations</b>	<b>If Solicitee Agrees, Conspiracy Formed</b> (Merges with Consp.) <b>If Solicitee Commits Crime, Guilty as Accomp.</b> (Merges with Target Crime)	<b>Accessory After the Fact</b> Not an Accomplice; Separate Crime of Helping Felon Escape (Receive, Relieve, Comfort, or Assist)	<b>Wharton's Rule</b> <b>Subsequent Crimes.</b> <b>Etc.</b> (See Other Chart)	<b>N/A</b>