

Ala. Code 1975, § 13A-4-3

CRIMINAL CONSPIRACY

The defendant is charged with criminal conspiracy.

A person commits the crime of criminal conspiracy if, with the intent that conduct constituting an offense be performed, he/she agrees with one or more persons to engage in or cause the performance of such conduct, and any one or more of such persons does an overt act to effect an objective of the agreement.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) the defendant agreed with **[Insert name of co-conspirator]** to engage in or cause to be performed conduct constituting the offense of **[Insert name of crime]**;
- (2) the defendant entered into the agreement with **[Insert name of co-conspirator]** with the intent that conduct constituting the offense of **[Insert name of crime]** would be engaged in or would be caused to be performed; **(AND)**
- (3) that **[Insert name of co-conspirator]** did an overt act to effect an objective of the agreement.

A person commits the crime of **[Insert name of crime]** if **[Insert instruction for that crime]**.

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense, when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If a person knows or should know that one with whom he/she agrees has in turn agreed or will agree with another to effect the same criminal objective, he/she shall be deemed to have agreed with such other person, whether or not he/she knows the other's identity.

[Read if appropriate - Renunciation] – A person is not guilty of criminal conspiracy if, under circumstances manifesting a voluntary and complete renunciation of his/her criminal purpose, he/she either:

- (1) gave a timely and adequate warning to law enforcement; **(OR)**
- (2) made a substantial effort to prevent the enforcement of the criminal conduct contemplated by the conspiracy.

The burden of injecting this issue is on the defendant, but this does not shift the burden of proof.

[Read if appropriate - Renunciation by Co-Conspirator] – Renunciation by one conspirator does not affect the liability of another conspirator who does not join in the abandonment of the conspiratorial objective.

[Read if appropriate - Status of Co-Conspirator] – It is no defense to a prosecution for criminal conspiracy that:

- (1) the co-conspirator(s) has been:
 - (a) acquitted;
 - (b) not prosecuted;
 - (c) not convicted;
 - (d) convicted of a different offense; or
 - (e) given immunity from prosecution; **(OR)**
- (2) the co-conspirator(s) could not be guilty of the conspiracy or object crime because of lack of mental responsibility or culpability or other legal incapacity or defense; **(OR)**
- (3) the defendant is legally incapable of committing the object offense.

[Read if appropriate - Defenses] – The defendant may not be convicted as a conspirator to commit an offense if either:

- (1) he/she would be a victim of that offense; **(OR)**
- (2) his/her conduct would be inevitably incidental to its commission.

[Read if appropriate - Completion] – It is no defense to a prosecution for criminal conspiracy that the conspired offense was actually committed. [13A-4-5]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of the offense, then you shall find the defendant guilty of this offense.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements, then you cannot find the defendant guilty of this offense.

[Adopted 10-17-14.]