

ICJI 1101 CONSPIRACY

INSTRUCTION NO. _____

In order for the defendant to be guilty of Conspiracy, the state must prove each of the following:

1. On or about [date]
2. in the state of Idaho
3. the defendant [name] and [name(s)] [and] [another unknown person] [other unknown persons] agreed
4. to commit the crime[s] of [name(s) of crime(s)];
5. the defendant intended that [at least one of] the crime[s] would be committed;
6. one of the parties to the agreement performed [at least one of] the following act[s]:
[list act(s) alleged in the charging instrument]
7. and such act was done for the purpose of carrying out the agreement.

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty.

Comment

I.C. ss 18-1701 & 19-2111.

ICJI 1102 CRIME ALLEGED AS OBJECT OF CONSPIRACY

INSTRUCTION NO. _____

The state alleges the defendant was a party to an agreement to commit the crime[s] of [names of crime(s)].

[Name of crime] is defined by law as: [definition of crime].

[Name of crime] is defined by law as: [definition of crime].

Comment

This instruction need not be used if in other instructions the jury is given the definition of the crime alleged to have been the object of the conspiracy.

ICJI 1103 NATURE OF CONSPIRATORIAL AGREEMENT DEFINED

INSTRUCTION NO. _____

The crime of Conspiracy involves an agreement by two or more persons to commit a crime. They need not agree upon every detail. The agreement may be established in any manner sufficient to show an understanding of the parties to the agreement. It may be shown by evidence of an oral or written agreement, or may be implied from the conduct of the parties.

[It does not matter whether the crime agreed upon was actually committed.]

Comment

State v. Gallatin, 106 Idaho 564, 682 P.2d 105 (Ct. App. 1984).

Use bracketed portion only if the crime that was the object of the conspiracy was not accomplished.

ICJI 1104 CONSPIRACY (SUBSEQUENT ENTRY)

INSTRUCTION NO. _____

All of the parties to a conspiracy need not enter into the agreement at the same time. A person who later joins an already formed conspiracy with knowledge of its unlawful purpose is a party to the conspiracy.

ICJI 1105 DEFENSE: WITHDRAWAL FROM CONSPIRACY

INSTRUCTION NO. _____

The defendant is not guilty of Conspiracy if the defendant in good faith withdrew by informing another party to the conspiracy of the defendant's withdrawal before any party performed an act for the purpose of carrying out the agreement.