

CONSPIRACY

- Courtesy BBC Online.

Conspiracy is the term for a broad category of crimes involving multiple actors coming together to engage in concerted criminal activity. A person or business generally is guilty of conspiracy to commit a crime if that person or business does one of the following: (1) with the purpose of facilitating or promoting its commission, agrees with another person or business to engage in conduct that constitutes a crime or an attempt or solicitation of a crime; or (2) agrees to aid another person or business in planning, committing, or attempting to solicit a crime.

Specific federal anti-conspiracy statutes are found throughout the United States Code. California statutes also contain anti-conspiracy laws. In recent years, a growing number of white collar criminal prosecutions have included allegations of conspiracy.

Bringing a conspiracy charge offers the prosecution several distinct advantages. Prosecutors usually learn of a conspiracy while it is in an early stage; thus, they may prosecute before the underlying crime takes place. In addition, prosecutors may be able to charge defendants simultaneously and present evidence against the group. When several defendants stand trial together, juries often perceive individual defendants to be guilty by virtue of their association with the others. A key element in prosecuting a defendant for conspiracy is proving the agreement. The agreement that forms the basis for conspiracy need not be

written, oral, or even explicit, but is often inferred from the facts of the specific case. If the parties meet and reach an understanding to work for a common purpose, there is an agreement. For example, if the producers of a particular product meet to exchange information on prices, and later set identical prices, a prosecutor may be able to prove they conspired to set prices even though there was never an explicit agreement to do so. Most criminal conspiracy statutes also require that at least one of the parties has committed an overt act in furtherance of the conspiracy.

A procedural issue of great importance to parties accused of conspiracy is whether government prosecutors try to frame the conspiracy as a "hub-and-spoke conspiracy" or a "chain conspiracy." In a **hub-and-spoke conspiracy**, many parties (the spokes), conspire with one person (the hub), but not with other defendants. It is advantageous for a defendant to have its actions characterized as part of a hub-and-spoke conspiracy, because that means that the conspiracies are separate and disconnected.

In contrast to a hub-and-spoke conspiracy, a **chain conspiracy** involves several parties as links in one long criminal chain. Defendants in chain conspiracies are responsible for the actions of all participants in the chain, even if they never met some of the other participants in the chain