

## Criminal Conspiracies

A criminal conspiracy exists when two or more people agree to commit almost any unlawful act, then take some action toward its completion. The action taken need not itself be a crime, but it must indicate that those involved in the conspiracy knew of the plan and intended to break the law. A person may be convicted of conspiracy even if the actual crime was never committed.

For example, Jason, Alice and Hank plan a bank robbery. They 1) visit the bank first to assess its security, and 2) pool their money and buy a gun. All three can be charged with conspiracy to commit robbery, regardless of whether the robbery itself is ever attempted or completed.

The prosecution doesn't have to prove that there was a written agreement between the co-conspirators; instead, the prosecutor can prove a conspiracy just by proving that the people it says were involved in the conspiracy were working together to do some crime.

Courts have held that a person can be in a conspiracy with another person, even if the two people never meet or interact – as long as they knew the other person was doing something to further the conspiracy. This is most common in a larger sprawling conspiracy where a central person, or a group of people, is coordinating the work of many others.

In conspiracy, a person's intention is key. But a court will also care about the mental states of the alleged partners in crime. Other individuals in the conspiracy must intend to agree, and all must intend to achieve the outcome.

Merely associating with people known to be involved in crime doesn't make you a co-conspirator. For instance, just because your friend tells you he is going to burglarize a house acting as a getaway driver or helping him scope out the property ahead of time.

In most jurisdictions, at least one co-conspirator must take some concrete step in furtherance of the plan. In the bank robbery example above, this could be rental of a car to use in the crime. The requirement of an overt act prevents people from being penalized for merely talking about a crime. If three drunken friends at a bar speculate about how they would rob a bank together, and none of them ever undertakes any sort of actual action, there's no criminal conspiracy. The intent requirement likely wouldn't be satisfied in that scenario, either.

The relevance of the Internet to criminal conspiracies should be obvious. It allows conspirators to communicate quickly, efficiently, and over great distances. Participants need not be in the same physical location to plan the conspiracy.

The fact that communications over the Internet can be encrypted helps ensure that a conspiracy can be kept secret from authorities, potential victims, and others not involved or affected by the conspiracy.

The Internet also makes it possible for conspirators to make contact with potential victims. In many cases, the mere fact that a conspirator contacts a victim constitutes the action toward the commission of the crime that establishes the act as a criminal conspiracy.

Here is an example of a large, complex criminal conspiracy carried out over the Internet.

<https://www.justice.gov/usao-cdca/pr/massive-international-fraud-and-money-laundering-conspiracy-detailed-federal-grand-jury>