

Chapter 6

6.1 Self Check

1. Why are inchoate crimes considered criminal behavior?

Because they are behaviors that lead to other crimes, and thus possess the intent and *actus reus* of criminal behavior.

2. In your own words, how does the MPC define attempt?

Basically, according to the MPC, someone is guilty of attempt if he or she does any of the following: 1) acts as though the crime will be completed, 2) acts or fails to act in such a way that would normally complete the crime, or 3) acts or fails to act in such a way that furthers the crime attempt.

3. Why must the *actus reus* be accompanied by the *mens rea*?

Both elements must be present because in order to be criminally culpable, a person must possess criminal intent *while* committing a criminal act.

6.2 Self Check

1. In your own words, what are the differences between factual and legal impossibility? Give an example of each.

In factual impossibility cases, the defendant is mistaken regarding some fact that is critical to the success of the crime. Legal impossibility occurs when the intended acts, even if completed, would not have amounted to a crime.

2. What elements are generally required for a successful abandonment defense?

A successful abandonment defense can be used when the defendant has a change of heart on his or her own because of a sincere belief that furtherance of the act is wrong.

6.3 Self Check

1. Why is solicitation considered a crime?

It is considered a crime because a deliberate inducement of another to commit a crime is sufficiently dangerous behavior to call for the imposition of criminal penalties.

2. Briefly, what are the *actus reus* and *mens rea* required for a solicitation conviction?

The *actus reus* of solicitation occurs when the solicitor takes any action, whether verbal or otherwise, to urge another to commit a crime. The *mens rea* is the desire that a specific crime be carried out, not merely a vague interest in seeing crime occur; solicitation is a specific intent crime.

6.4 Self Check

1. How does this text's definition of conspiracy differ from your original conception of the crime? Why do you think that there is a frequent misunderstanding of it?

Most people think of conspiracies as assassination attempts or government corruption. In fact, it is much broader than that. This frequent misunderstanding occurs because these types of conspiracies are the best known and most publicized.

2. What factors help justify making conspiracy a crime?

The crime of conspiracy is an excellent aid to law enforcement because it allows them more leeway in arresting members of crime rings.