

MARCUS on Conspiracy

Conspiracy to ^{commit} a Non-Criminal Act becomes Criminal 1.6

Repealed, but live on.

Marcus L.R. article 1-16 - Also Modern defn

Rationale for Conspiracy - Top line 1-22

HLR 1-18 Subpoints

3 elements ① Agreement ② Overt act ③ State of mind

2-2 Actus Reus

Circular Reasoning
→ Near to V. Act
→ Clear Agreement
→ Criminal Act, Obstacle
to cover-up

① Agreement - ~~not~~ always required
No requirement of a note 2-15
Highly low standard - 2-16

Obstacle of law
is vague enough
Conspiracy requires the
actual agreement.

Large top conspiracy 2-21

Apalachin Meeting conspiracy 7-1
Re: Remy & Christos -
must be agreed to lie.

? - Can we impose Obstacle of justice
if contrary to public health & morals?

Agreement occurred that night in Mitchell's apartment
when did H & E join?

Had to have been committed by Sam alone -- "Lizard King"?

② Overt Act 2-32

Plenty of overt acts -- but one act is committed, crime is completed --
What was first overt act?

- Did they try to pay?
- Attempt to act in on a steel mistype?
- Looking for Maguder - get date.

Any step in preparation; the slightest overt act 2-41
the meeting itself?

③ State of Mind - 2-50

- 2 elements -
- ① intent
 - ② criminal object of the agreement

2.52 - mens rea requirement -

intent to commit an offense
understand it is a consequence of their agreement

Citation to E: but see dict to see if DC clearly
undoubtedly to mens rea requirement

Prohibition should make reference
into criminal state of mind
See offenses 2-57

Consp Notes - 2-59

Wharton's Rule

Study

~~Case~~ Tannelli v US - Same court, perhaps same issue.

Note liberal dissent - Douglas, Stewart & Marshall
on double jeopardy issue.

→ One man: Powell's opinion 3-32-33

→ But consider Douglas dissent: 3-35

But never considered because no cert vote.

yet undermined
by his own
opinion - Imbler

~~whole~~

whole point is that Wharton's Rule
has been replaced by double jeopardy consideration 3-43

Trial by Jury - 6th Amendment 3-45

"In all criminal prosecutions, the accused shall enjoy
the right to a speedy trial by an impartial jury
and public"

Joe Lowless - Presidential Misconduct