

Conspiracy

Putting it simply, a conspiracy is an agreement to commit a criminal offence or criminal offences.

Someone is guilty of conspiracy if he agrees with another person (or persons) that a course of conduct will be pursued which, if the agreement is carried out in accordance with their intentions, will necessarily amount to or involve the commission of an offence or offences by one or more parties to the agreement.

The prosecution do not have to prove that this defendant committed a particular offence himself – they have to prove that he was party to an agreement to commit that criminal offence.

Each conspirator may not know all the people in the agreement or plot, but only that there are other people involved.

Each conspirator may not know the full extent of the scheme, but, to be guilty, he must know that there is coming into existence or actually in existence a scheme which goes beyond the illegal act or acts which he himself agrees to do.

Knowledge and intention are essential.

A defendant cannot be guilty if he did not know about the planned and agreed criminal activity.

Similarly, a defendant cannot be guilty if he did not have any intention to take part in the criminal activity.

It is rare for there to be direct evidence of the agreement or conspiracy.

Conspirators do not, generally, agree to commit criminal offences while other people are listening to their conversations. You can though infer the existence of a conspiracy from what the alleged conspirators have done – that is deduce it from the criminal acts of the parties which are done in pursuance of a common criminal purpose.

You do not need to decide who was the prime mover in the operation, or allocate precise areas of responsibility. The main man and the gofer are both guilty of conspiracy if they are both part of the agreement to commit criminal offences.

So, in relation to each conspiracy count, having regard to all the evidence and the directions which I give you, the questions are;

Did D1*** agreed with D2*** and/or others to commit the criminal offence referred to in the count?

Did he intend to take part in that criminal activity?

If you are sure the answer to both questions is “yes”, he is guilty of that count. If the answer may be “no”, he is not guilty of that count.