

	Solicitation	Conspiracy	Attempt
Common law definition	Solicitation is the asking, enticing, inducing, or counseling of another to commit a crime. Under the common law approach, the target offense must have been a felony or a serious misdemeanor. Some courts treat solicitation as itself an attempt (<i>Understanding Criminal Law</i> pp. 417–18).	(1) Mutual agreement or understanding, express or implied, (2) between two or more persons (3) to commit a criminal act. Conspiracy can be inferred (<i>Lauria, Cook, Azim</i>). Also, Pinkerton liability.	Attempt occurs when a person, with the intent to commit an offense, performs an act in furtherance of that offense. See the several common law tests (last step, dangerous proximity, etc.)
MPC definition	"...with the purpose of promoting or facilitating its commission he commands, encourages or requests another person to engage in specific conduct that would constitute such crime or an attempt to commit such crime or which would establish his complicity in its commission or attempted commission." § 5.02	"...with another person or persons to commit a crime if with the purpose of promoting or facilitating its commission he" (a) agrees to commit or (b) agrees to aid. § 5.03(1). Conspiracy can be inferred (<i>Lauria, Cook, Azim</i>). No Pinkerton liability. Also includes a broader scope of conspiracy (§ 5.03(2)).	"A person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for commission of the crime, he...(a),(b),(c)" § 5.03(1)
Common law: merger into completed target offense	Merger of solicitation into the completed target offense: Yes. <i>Understanding Criminal Law</i> p. 416.	Merger of conspiracy into the completed target offense: No. <i>Understanding Criminal Law</i> p. 425.	Merger of attempt into the target offense: Yes. <i>Understanding Criminal Law</i> p. 416 and <i>United States v. York</i> .
MPC: merger into completed offense	Merger of solicitation into the completed target offense: No (Murray).	Merger of conspiracy into the completed target offense: Yes. § 1.07(1)(b) and <i>Understanding Criminal Law</i> p. 425.	Merger of attempt into the target offense: Yes (it cannot logically stay separate, because once the attempt is completed, it's no longer inchoate).
Common law: merger into attempted target offense	Merger of solicitation into the <i>attempted</i> target offense: Yes. <i>Understanding Criminal Law</i> p. 416 and casebook p. 793.	Merger of conspiracy into <i>attempted</i> target offense: No. <i>Understanding Criminal Law</i> p. 425.	Attempt can't merge into itself
MPC: merger into attempted target offense	Merger of solicitation into the <i>attempted</i> target offense: No. (Murray)	Merger of conspiracy into <i>attempted</i> target offense: Yes. § 1.07(1)(b) and <i>Understanding Criminal Law</i> p. 425.	Attempt can't merge into itself
Common law: merger into solicitation	Solicitation can't merge into itself	Conspiracy can't merge into solicitation	Attempted solicitation: Courts are divided. The court in <i>Cotton</i> held that the failed communication meant that solicitation could not be charged, but it suggested that a charge of attempted solicitation might have been allowed
MPC: merger into solicitation	Solicitation can't merge into itself	Conspiracy can't merge into solicitation	Attempted solicitation: Yes. Attempted solicitation is solicitation. § 5.02(2).
Common law: merger into conspiracy	Merger of solicitation into conspiracy: Yes. <i>Understanding Criminal Law</i> p. 416.	Conspiracy can't merge into itself	Attempted conspiracy: attempted conspiracy is solicitation. <i>Understanding Criminal Law</i> p. 416.
MPC: merger into conspiracy	Merger of solicitation into conspiracy: No (Murray).	Conspiracy can't merge into itself	Attempted conspiracy: Attempted conspiracy is a unilateral conspiracy. § 5.03(1)
Common law: abandonment	Abandonment of solicitation: Yes. Abandonment and renunciation are defenses to solicitation where the defendant prevents the solicitee from committing the target offense. (Murray)	Abandonment of conspiracy: Once the agreement is made, there is often no defense to conspiracy, though abandonment can serve as a defense to future conspiratorial acts. In many jurisdictions, abandonment requires communication of withdrawal to co-conspirators, and many require the abandoner to dissuade the other conspirators to abandon also, or to otherwise thwart the goal. <i>Some</i> .	Abandonment of attempt: Yes. See <i>McCheskey</i> . Not all jurisdictions recognize it.
MPC: abandonment	Abandonment of solicitation: Yes. "It is an affirmative defense that the actor, after soliciting another person to commit a crime, persuaded him not to do so or otherwise prevented the commission of the crime, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose." § 5.02(3)	Abandonment of conspiracy: "It is an affirmative defense that the actor, after conspiring to commit a crime, thwarted the success of the conspiracy under circumstances manifesting a complete and voluntary renunciation of the criminal purpose." § 5.03(6).	Abandonment of attempt: Yes. "...it is an affirmative defense that he abandoned his effort to commit the crime or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose." § 5.03(4)