

A man decided to steal a valuable coin collection from a collector's house while the collector was away. Knowing that the house had an alarm system, the man contacted the pool cleaner who worked at the house twice a week. The man offered the pool cleaner part of the proceeds from selling the coin collection if she would disarm the alarm and leave a side door unlocked so that the man could enter the house. The pool cleaner pretended to agree but then contacted the police, who immediately arrested the man.

In a jurisdiction that follows the common law and has adopted the bilateral requirement for conspiracy, what crime has the man committed?

- A. Attempted burglary.
- B. Attempted larceny.
- C. Conspiracy.
- D. Solicitation.

Explanation:

Inchoate crimes

Attempt	Specific intent to commit crime & overt act committed in furtherance of target crime Merges with intended crime if completed
Conspiracy	Agreement entered with specific intent to commit crime & overt act committed in furtherance of agreement No merger
Solicitation	Inducing or encouraging another to commit crime with specific intent that crime be committed, but solicited party need not agree Merges with solicited crime if completed

At common law (and in most jurisdictions), **solicitation** is an inchoate offense that requires proof that the defendant:

enticed, encouraged, or commanded another to **commit a crime** (eg, [burglary or larceny](#)) with the specific intent that the person commit that crime.

Here, the man enticed the pool cleaner to help him steal the coin collection from the collector's house by offering to share proceeds from selling the collection with her. And the man specifically intended that the pool cleaner help him steal the coins by disarming the alarm and leaving a side door unlocked. Therefore, he committed solicitation.

(Choices A & B) Attempt occurs when a defendant (1) has the specific intent to commit a crime, (2) commits an [act](#) in furtherance of that crime, but (3) does not complete it. In this common law jurisdiction, an act must bring the defendant sufficiently close to completing the target offense. Therefore, mere preparation (eg, soliciting help to commit a crime) is not enough.

(Choice C) [Conspiracy](#) occurs when two or more persons enter an agreement with the specific intent to commit a crime. The common law bilateral theory of conspiracy requires proof of at least two guilty minds—the defendant and one other conspirator. Therefore, a defendant cannot be convicted when the only other conspirator feigns agreement (as seen here).

Educational objective:

Common law solicitation occurs when a defendant (1) entices, encourages, or commands another to commit a crime (2) with the specific intent that the person commit the crime.

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