

SOLICITING ANOTHER TO COMMIT A CRIME
G.L. c. 274, § 8

The defendant is charged with soliciting another person to commit a crime.¹ To prove the defendant guilty of this offense, the Commonwealth must prove two things beyond a reasonable doubt:

First: That the defendant solicited, counseled, advised, or enticed another person to commit a crime; and

Second: That the defendant intended for that person to follow through and in fact commit that crime.

To prove the first element, the Commonwealth must prove beyond a reasonable doubt that the defendant solicited, counseled, advised, or enticed another person to commit the crime of

_____.

Solicitation or enticement means the act of asking, urging, persuading, inducing, luring, or otherwise coaxing someone to do an act.

In this case, the Commonwealth alleges that the defendant solicited *[name of person]* to commit a(n) *[crime alleged]*.

¹ The crime alleged must be one punishable by imprisonment in state prison.

[Briefly state elements of the target offense.]

To prove the second element, the Commonwealth must prove beyond a reasonable doubt that the defendant intended for the other person to follow through and in fact commit the crime of [crime alleged].

The Commonwealth does not need to prove that the crime was actually carried out or that the other person fully agreed to commit the crime. The Commonwealth must prove that the defendant intended that the other person commit the crime. A person's intent is their purpose or objective. This requires you to make a decision about the defendant's state of mind at that time. You may examine any actions or words of the defendant, and all of the surrounding circumstances, to help you determine what the defendant's intent was at that time.

If the Commonwealth has proven each of the elements beyond a reasonable doubt, you should return a verdict of guilty. If the Commonwealth failed to prove one or more elements beyond a reasonable doubt, you must return a verdict of not guilty.

NOTES

1. **Jurisdiction and sentencing.** Under G.L. c. 218, § 36, the District Court has jurisdiction over offenses committed under G.L. c. 274, § 8. The penalties for conviction under this statute vary depending on the penalties associated with the crime the defendant solicited the person to commit. See G.L. c. 274, § 8, ¶¶ 3 & 4.