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When the legislature establishes new crimes or amends criminal penalties, the changes apply to a person who violates the law, but also apply to others involved before, during, or after the crime takes place. A person who helps another commit a crime can be held responsible, or liable, for the other person's actions. This is referred to as "aiding and abetting," "accomplice liability," "conspiracy," or "aiding an offender after the fact."

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## **A person who does not commit a particular crime can still be found guilty based on another person's actions.**

Minnesota law makes it illegal to help someone else who commits a crime. That help may involve participating in the crime, planning to commit a crime, or hiding the fact that a crime was committed. A person who helps another commit a crime is an accomplice. A conspiracy exists when multiple people plan to commit a crime and take some action to commit it. A person who learns of a crime after it took place and then tries to assist the criminal is guilty of aiding an offender.

## **An accomplice is typically someone who helps another person commit a crime or directs the person to commit the crime.**

A person who "intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit" a crime is an accomplice under [Minnesota Statutes, section 609.05](#), and can be convicted of committing the crime even if someone else actually violates the law. The participation can come before or during the actual crime and is often referred to as "aiding and abetting" a crime.

The only exception to this applies in certain murder cases. In Minnesota, if a person kills another while committing a felony, that person is guilty of what is often called "felony murder." An accomplice can only be guilty of first-degree felony murder if the accomplice acted with the intent to cause the death. The accomplice can be guilty of second-degree felony murder if the person was a "major participant" in the crime and acted with "extreme indifference to human life."

## **An accomplice must know that the other person is going to commit a crime and intend any actions that help the crime.**

The concept of "intentionally aiding" includes two required mental states. *First*, a person must know that the actor is going to commit a crime. *Second*, the person must intend any actions, including being present at the scene, to further that crime.

The accomplice does not necessarily need to know a crime is going to be committed before it begins. If a person becomes aware that someone is committing a crime and then makes a choice to aid, or continue to aid, in the commission of the crime, then the person is an accomplice. For example:

- Person A drives a bank robber to the bank but does not know of the plan to commit a robbery. Driving the robber to the bank aided in the crime, but Person A did not know about the robbery and did not intend to help. Person A is not an accomplice.

- Person B also drove a robber to the bank without knowing of the plan, but saw the robbery in process and remained at the scene to drive the robber away. Person B chose to assist the crime. Even though the robber did not know of that decision, Person B is an accomplice.

### **An accomplice does not need to actively participate in the crime to be responsible for the crime.**

Simply being present at the scene of a crime does not make a person an accomplice. However, an accomplice does not have to be an active participant. A jury can consider the person's actions before, during, and after a crime and find that the person was present with the intent to support someone else's actions.

### **An accomplice can be responsible for some crimes even when the accomplice did not know the other person was going to commit a particular offense.**

Accomplice liability is broad. An accomplice is liable for any additional crime committed during the intended offense if the new crime was reasonably foreseeable.

### **An accomplice who tries to prevent a crime is not responsible for the crime.**

A person who would otherwise be an accomplice can avoid liability by: (1) abandoning the criminal activity, and (2) making a reasonable effort to prevent the crime.

### **People who plan a crime can be guilty before the crime is actually completed.**

Two or more people who plan to commit a crime can be guilty of conspiracy under [Minnesota Statutes, section 609.175](#), if at least one of them takes an actual action toward committing the offense. People in a conspiracy are not guilty of the intended crime, but their sentences depend on the type of crime they intended to commit.

### **A person who helps someone after the crime is completed is an “offender after the fact.”**

If a crime has already been completed, a person cannot become an accomplice or join a conspiracy to commit the crime. However, someone who helps an offender after a crime has been committed, or simply receives the proceeds of the crime, commits the crime of aiding an offender after the fact in violation of [Minnesota Statutes, section 609.495](#). A person can become an offender after the fact in three ways.

*First*, it is a felony to help or conceal someone who committed a felony in order to help the person avoid arrest or punishment. The penalty applies whether the assistance involves some physical act, or simply the person's words.

*Second*, a person can be sentenced to up to half of the maximum sentence for the underlying crime if the person obstructs an investigation by destroying evidence, providing false information about the crime, or receiving the proceeds of the crime.

*Finally*, a person who falsely claims to have committed a crime in order to protect the true criminal can be sentenced to up to half of the maximum sentence of imprisonment for the underlying crime.



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