**11.4 Conspiracy—Knowledge of and Association with Other Conspirators**

A conspiracy may continue for a long period of time and may include the performance of many transactions. It is not necessary that all members of the conspiracy join it at the same time, and one may become a member of a conspiracy without full knowledge of all the details of the unlawful scheme or the names, identities, or locations of all of the other members.

Even though a defendant did not directly conspire with [the other defendant] [or] [other conspirators] in the overall scheme, the defendant has, in effect, agreed to participate in the conspiracy if the government proves each of the following beyond a reasonable doubt:

First, the defendant directly conspired with one or more conspirators to carry out at least one of the objects of the conspiracy;

Second, the defendant knew or had reason to know that other conspirators were involved with those with whom the defendant directly conspired; and

Third, the defendant had reason to believe that whatever benefits the defendant might get from the conspiracy were probably dependent upon the success of the entire venture.

It is not a defense that a person’s participation in a conspiracy was minor or for a short period of time.

**Comment**

A person may be a member of a conspiracy even though the person does not know all of the purposes of or participants in the conspiracy. *United States v. Escalante*, 637 F.2d 1197, 1200 (9th Cir. 1980); *United States v. Kearney*, 560 F.2d 1358, 1362 (9th Cir. 1977).

A single conspiracy can be established even though it took place during a long period of time during which new members joined and old members dropped out. *United States v. Green,* 523 F.2d 229, 233 (2d Cir. 1975).  *See also United States v. Perry*, 550 F.2d 524, 528 (9th Cir. 1997) (holding that law of conspiracy does not require government “to prove that all of the defendants met together at the same time and ratified the illegal scheme”); *United States v. Thomas*, 586 F.2d 123, 132 (9th Cir. 1978) (holding that proof that defendant “knew he was plotting in concert with others to violate the law was sufficient to raise the necessary inference that he joined in the overall agreement”).

To prove a conspiracy “the evidence must show that ‘each defendant knew, or had reason to know, that his benefits were probably dependent on the success of the entire operation.’” *United States v. Duran*, 189 F.3d 1071, 1080 (9th Cir. 1999) (quoting *United States v. Kearney*, 560 F.2d 1358, 1362 (9th Cir. 1977)).

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