**11.8 Solicitation to Commit a Crime of Violence**

**(18 U.S.C. § 373)**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with [[soliciting] [commanding] [inducing] [endeavoring to persuade]] another person to commit a crime of violence in violation of Section 373 of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant [[solicited] [commanded] [induced] [endeavored to persuade]] another person to commit the crime of [*specify crime of violence*] as defined in [*specify jury instruction stating all elements of predicate crime of* *violence*], which I instruct you is a crime of violence; and

Second, the defendant intended for such other person to commit the crime of [*specify crime of violence*] under circumstances that are strongly corroborative of that intent.

**Comment**

*See United States v. Walthall*, 130 F.4th 791, 799 (9th Cir. 2025) (affirming district court’s use of substantially similar jury instruction).

Use this instruction in conjunction with an instruction setting forth the elements of the predicate crime of violence.

Whether a particular crime is a crime of violence is a question of law. *See United States v. Amparo*, 68 F.3d 1222, 1226 (9th Cir. 1995).

Direct communication with the other person is not an element of the crime; rather, the solicitation, command, inducement, or endeavor to persuade may be carried out through an intermediary. *Walthall*, 130 F.4th at 796-97; *see also United* *States v. Stewart*, 420 F.3d 1007, 1021 (9th Cir. 2005).

The other person need not actually be prepared to commit the act of violence or even exist. *Walthall*, 130 F.4th at 797. Instead, the statute requires only that the defendant intended for another person to commit an act of violence. *Id.*