

**2806 CONSPIRACY TO BE VIEWED AS A WHOLE**

In determining whether a conspiracy existed, you are not to isolate various acts and events and determine separately whether each was illegal, unfair, or unreasonable. Rather, you are to consider all of the evidence – all of the acts and events – as a whole in determining whether a conspiracy existed and, if so, its character and effects.

Acts in and of themselves lawful may nevertheless constitute or be a part of an illegal conspiracy if they are part of a concerted plan. Even lawful agreements, legal actions, and business activities may help make up a pattern of conduct that is unlawful.

**COMMENT**

This instruction and comment were approved in 1980. Nonsubstantive editorial changes were made to the instruction in 1993.

United States v. Patten, 226 U.S. 525 (1913), and Continental Ore Co. v. Union Carbide & Carbon Corp., 370 U.S. 690 (1962).