

4.2 Aiding and Abetting (18 U.S.C. § 2(b))

A defendant may be found guilty of the crime(s) charged even if the defendant did not personally commit the act(s) constituting the crime if the defendant willfully caused an act to be

done that if directly performed by him would be an offense against the United States. A defendant who puts in motion or causes the commission of an indispensable element of the

offense may be found guilty as if he had committed this element himself.

Comment

See United States v. Ubaldo, 859 F.3d 690, 705-06 (9th Cir. 2017) (quoting *United States v. Causey*, 835 F.2d 1289, 1292 (9th Cir. 1987)); *United States v. Vaughn*, 797 F.2d 1485, 1490-91 (9th Cir. 1986).

Section 2(b) “does not require a defendant to have a duty to disclose if prosecuted for inaction,” *United States v. Sullivan*, 131 F.4th 776, 784 (9th Cir. 2025), so long as the third party who does the act has such a duty, *id.* (citing *United States v. Singh*, 979 F.3d 697, 717-18 (9th Cir. 2020)).

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