

5.03A
Accountability--Felony Murder

To sustain the charge of first degree murder, it is not necessary for the State to show that it was or may have been the original intent of the defendant or one for whose conduct he is legally responsible to kill the deceased, _____.

It is sufficient if the jury believes from the evidence beyond a reasonable doubt that the defendant and one for whose conduct he is legally responsible combined to do an unlawful act, such as to commit _____, and that the deceased was killed by one of the parties committing that unlawful act.

Committee Note

Give this instruction only in addition to--not in lieu of--Instruction 5.03.

In *People v. Ramey*, 151 Ill.2d 498, 536-38, 603 N.E.2d 519, 534-35, 177 Ill.Dec. 449, 464-65 (1992), the supreme court approved the above instruction, which the trial court gave along with Instruction 5.03. In *Ramey*, the State charged defendant and his alleged accomplice with murder (based in part upon felony murder), home invasion, aggravated unlawful restraint, and possession of a stolen motor vehicle. The blank in the second paragraph of the above instruction read "home invasion". The supreme court in *Ramey* upheld the use of this instruction, holding that "we agree with the State *** that the [above] instruction was explanatory and it served to clarify the concept of felony murder." *Ramey*, 151 Ill.2d at 537, 603 N.E.2d at 535, 177 Ill.Dec. at 465.

Insert in the blank in the first paragraph the name of the alleged victim.

Insert in the blank in the second paragraph the felony offense(s) that the evidence shows the defendant or his accomplice may have committed in order to come within the forcible felony murder rule.