

## 5.06

### **Defendant's Responsibility For Act Of Another--Actor Not Prosecuted, Etc.**

A person who is legally responsible for the conduct of another may be convicted for the offense committed by the other person even though the other person, who it is claimed committed the offense, [(has not been prosecuted) (has not been convicted) (has been convicted of a different offense) (is not amenable to justice) (has been acquitted)].

#### **Committee Note**

#### ***Instruction and Committee Note Approved October 28, 2016***

720 ILCS 5/5-3 (West 2016).

Give Instruction 5.03.

*See also Standefer v. United States*, 447 U.S. 10, 14-20, 100 S.Ct. 1999, 2003-06, 64 L.Ed.2d 689, 695-98 (1980) (permitting the conviction of accessories to federal criminal offenses despite the prior acquittal of the actual perpetrator of the offense).

Use applicable bracketed material.