

11.22
Issues In Heinous Battery

To sustain a charge of heinous battery, the State must prove the following propositions:

First Proposition: That the defendant knowingly caused severe and permanent [(disability) (disfigurement)] to ____; and

Second Proposition: That the defendant did so by means of a [(caustic) (flammable)] substance.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/12-4.1 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §12-4.1 (1991)), amended by P.A. 88-285, effective January 1, 1994.

Give Instruction 11.21.

Whenever the jury is to be instructed on an affirmative defense, it is necessary to use the phrase “without legal justification” in Instruction 11.21 (see Committee Note to Instruction 11.21), and this instruction must be combined with the appropriate instructions from Chapter 24-25.00. Because the additional proposition or propositions that will thereby be included will require the jury to find that the defendant acted without legal justification, the Committee has concluded that the phrase “without legal justification” need not be used in this issues instruction.

Insert in the blank the name of the victim.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.