

7.15

Causation In Homicide Cases Excluding Felony Murder

In order for you to find that the acts of the defendant caused the death of _____, the State must prove beyond a reasonable doubt that defendant's acts were a contributing cause of the death and that the death did not result from a cause unconnected with the defendant. However, it is not necessary that you find the acts of the defendant were the sole and immediate cause of death.

Committee Note

Instruction and Committee Note Approved January 30, 2015

The Illinois Supreme Court has held that a defendant's act need not be the sole or immediate cause of death; it is sufficient if the defendant's act contributed to cause the death. *People v. Brown*, 169 Ill.2d 132, 661 N.E.2d 287 (1996); *People v. Brackett*, 117 Ill.2d 170, 510 N.E.2d 877 (1987). See also *People v. Woodard*, 367 Ill.App.3d 304, 854 N.E.2d 674 (1st Dist. 2006); *People v. Martinez*, 348 Ill.App.3d 521, 810 N.E.2d 199 (1st Dist. 2004).

The Committee recommends that this instruction be given whenever causation is an issue under Section 720 ILCS 9-1(a)(1) (intentional murder), 9-1(a)(2) (knowing murder), or 720 ILCS 5/9-3(a) (reckless homicide). However, when felony murder (720 ILCS 9-1(a)(3)) is charged and causation is an issue, Instruction 7.15A should also be given.

For the definition of "proximate cause" in aggravated driving under the influence cases, see Instruction 23.28A.

For the definition of "proximate cause" in all other cases, see Instruction 4.24.

Insert in the blank the name of the alleged victim.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant." Give Instruction 5.03.

For an example of the use of this instruction, see Sample Set 27.06.