

8.1. Aiding, Inducing or Causing an Offense

I.C. 35-41-2-4.

Aiding, inducing or causing _____[*name offense*] is defined by law as follows:

A person who, knowingly or intentionally [aids] [induces] [causes] another person to commit an offense commits that offense.

Before you may convict the Accused, the State must have proved each of the following elements beyond a reasonable doubt:

1. The Accused
2. [knowingly] [intentionally]
3. [aided]
[or]
[induced]
[or]
[caused]
4. [*name other person*] to commit the offense of _____[*name offense*], defined as _____[*define elements of offense*].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Accused not guilty of aiding, inducing, or causing [*name offense*], a Level _____[*specify grade of felony*] felony, charged in Count _____.

Before you may convict the Defendant of this crime, you must find there is evidence of the Defendant's affirmative conduct, either in the form of acts or words, from which an inference of a common design or purpose may be reasonably drawn. The Defendant's conduct must have been voluntary and in concert with the other person.

The Defendant's mere presence at the scene of the crime, or mere acquiescence in the commission of the crime, is insufficient to convict for aiding, inducing, or causing the crime charged in Count _____.

A person may be convicted of [aiding] [inducing] [causing] _____[*name offense*] even if the other person has not been prosecuted for the _____[*name offense*], has not been convicted of the _____[*name offense*], or has been acquitted of the _____[*name offense*].

NOTE: Where the evidence shows that the accused is potentially liable for the crime of **attempted murder** as an accomplice [whether charged as such or not], a special instruction on aiding and abetting is required. The pattern instruction does not presently have this required modification, so you must object to that instruction. *See*, next instruction.