

“Result in” consequence – causation

The “results in” circumstance found in the charging information requires that criminal act to cause the consequence of the prohibited act. There must be a causal connection between the prohibited act and the consequence of the prohibited act. The prohibited act must be both (1) the actual cause and (2) the legal cause of the result.

The actual cause requires that but for the prohibited conduct the result would not have occurred.

The legal cause is a distinct cause which is a subjective or value judgment as to the extent of the physical consequences of an action for which the accused should be held responsible. An accused is not responsible for a crime based upon results that are not foreseeable by the accused. In Indiana, a result is foreseeable if it is a natural and probable consequence of one’s acts.

There must exist both actual cause and legal cause for you to find the accused guilty of the “results in” circumstance.

Cannon v. State, 142 NE 3rd 1039

Proximate cause involves a value judgment as to the extent of the physical consequences of an act for which the actor should be held responsible. Proximate cause questions are often couched in terms of "foreseeability"; an actor is not held responsible for consequences which are unforeseeable. In Indiana, a result is deemed foreseeable if it is a natural and probable consequence of the act of the defendant. In cases where an action of the victim, a third party, or a non-human source affects the chain of causation, foreseeability is again a factor. Such an occurrence is called an "intervening cause", and it becomes a superseding cause breaking the chain of causation if it was not foreseeable. If an intervening and superseding cause aided in bringing about the result, the defendant is not criminally liable.

Authority: Pollard v. State, 439 N.E. 2d 177 (Ind. App. 1982)

Given _____ Denied _____ Modified _____

An intervening cause is an independent force that breaks the causal connection between the actions of the Defendant and the injury. To qualify as an intervening cause, death must be due to an independent event in which the Defendant did not participate and in which the Defendant could not foresee.

Authority: Carrigg v. State, 696 N.E. 2d 392 (Ind.Ct.App. 1998), Burrage v. United States, 134 S.Ct. 881 (Ind. 2014)

Given _____ Denied _____ Modified _____

In analyzing criminal causation, the term "intervening cause" is used to describe a second event that is so extraordinary that it is unfair to hold the accused responsible for the actual result. Authority: Carrigg v. State, 696 N.E. 2d 392 (Ind.Ct.App. 1998), Burrage v. United States, 134 S.Ct. 881 (Ind. 2014)

Given _____ Denied _____ Modified _____

Proximate Cause – IN Pattern Jury Instruction Criminal Instruction No. 14.3260 notes that the Criminal Instructions Committee recommends use of Model Civil Jury Instruction No. 917, modified as indicated below, for criminal cases requiring a definition of “proximate cause.” A person's conduct is legally responsible for causing [an injury][property damage][a death] if: (1) the [injury][property damage][a death] would not have occurred without the conduct, and (2) the [injury][property damage][a death] was a natural, probable, and foreseeable result of the conduct. This is called a "proximate cause." [There can be more than one proximate cause for an injury.]