

8.05A

Issues In Aggravated Kidnapping--Kidnapping By Force Or Threat

To sustain the charge of aggravated kidnapping, the State must prove the following propositions:

First Proposition: That the defendant, by force or threat of imminent force, carried _____ from one place to another place; and

Second Proposition: That the defendant acted knowingly; and

Third Proposition: That when the defendant did so, he intended secretly to confine _____ against his will; and

Fourth Proposition: That _____ was [(a child under the age of 13 years who was confined without the consent of his parent or legal guardian) (an institutionalized severely or profoundly mentally retarded person)].

[or]

Fourth Proposition: That the defendant [(inflicted great bodily harm) (committed _____)] upon _____.

[or]

Fourth Proposition: That the defendant [(wore a hood, robe, or mask) (concealed his identity)].

[or]

Fourth Proposition: That the defendant was armed with a dangerous weapon.

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 5/10-1(a)(2) and 5/10-2 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §§10-1(a)(2) and 10-2 (1991)), amended by P.A. 85-1392, effective January 1, 1989.

Give Instruction 8.04.

See the Committee Note to Instruction 8.04 concerning whether to give Instruction 8.05, 8.05A, or 8.05B.

See *People v. Marin*, 48 Ill.2d 205, 269 N.E.2d 303 (1971), when the case concerns the kidnapping of a child under 13 for ransom.

Insert in the appropriate blanks the name of the victim or the specific felony. See

Committee Note to Instruction 8.04.

Use applicable propositions and 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.