

## 7.28

### Issues In Drug Induced Homicide--Delivery Of Controlled Substances By Weight

To sustain the charge of drug induced homicide, the State must prove the following propositions:

*First Proposition:* That the defendant knowingly delivered to another a substance containing \_\_\_\_\_, a controlled substance; and

*Second Proposition:* That the weight of the substance containing the controlled substance was \_\_\_\_\_ grams or more; and

*Third Proposition:* That any person [ (injected) (inhaled) (ingested) ] any amount of that controlled substance; and

*Fourth Proposition:* That \_\_\_\_\_ died as a result of that [ (injection) (inhalation) (ingestion) ].

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 5/9-3.3 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §9-3.3 (1991)), added by P.A. 85-1259, effective January 1, 1989, and amended by P.A. 87-1198, effective September 25, 1992.

Give Instruction 7.27.

Insert the name of the controlled substance at issue in the blank in the first proposition.

Insert the weight of the controlled substance at issue in the blank in the second proposition. See the Committee Note to Instruction 7.27 for an explanation regarding the weight to be inserted.

Insert the name of the victim in the blank in the fourth proposition. Note that the named victim inserted in the fourth proposition need not be the same person as the person engaging in the conduct described in the third proposition.

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.