

13.18A

Issues In Theft By Deception Of Property Exceeding \$500 In Value – Enhancing Factor Based Upon Posing As A Landlord Or Agent Or Employee Of The Landlord

To sustain the charge of theft [(exceeding \$500) (exceeding \$500 and not exceeding \$10,000) (exceeding \$10,000) (exceeding \$10,000 and not exceeding \$100,000) (exceeding \$100,000)], the State must prove the following propositions:

First Proposition: That ____ was the owner of the property in question; and

Second Proposition: That the defendant knowingly obtained by deception control over property in the form of a [(rent payment) (security deposit)]; and

Third Proposition: That in doing so the defendant falsely posed as a [(landlord) (agent of the landlord) (employee of the landlord)]; and

Fourth Proposition: That the defendant intended to deprive the owner thereof permanently of the use or benefit of that property;

[or]

Fourth Proposition: That the defendant knowingly [(used) (concealed) (abandoned)] the property in question in such manner as to deprive the owner thereof permanently of the use or benefit of that property;

[or]

Fourth Proposition: That the defendant [(used) (concealed) (abandoned)] the property in question knowing that such [(use) (concealment) (abandonment)] probably will deprive the owner thereof permanently of the use or benefit of that property;

and

Fifth Proposition: That the property in question [(exceeded \$500) (exceeded \$500 and not \$10,000) (exceeded \$10,000) (exceeded \$10,000 but not \$100,000) (exceeded \$100,000)] in value.

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

Instruction and Committee Note Approved October 27, 2017

720 ILCS 5/16-1(a)(2)(A), (B), and (C), and 16-1(c) (West 2016), as amended by P.A. 096-1301 effective January 1, 2011.

Give Instruction 13.17A.

Choose the Fourth Proposition which reflects the charge against the defendant.

Other definitions may be appropriate. See Instructions 13.33 through 13.33H.

Insert in the blank the name of the owner.

Use applicable bracketed material.

The brackets are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

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.