

### 13.02

#### Issues In Theft By Unauthorized Control Of Property Not Exceeding \$500 In Value

To sustain the charge of theft, 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) (exerted)] unauthorized control over the property in question; and

*Third Proposition:* That the defendant intended to deprive the owner thereof permanently of the use or benefit of that property.

[or]

*Third 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]

*Third 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.

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 April 28, 2017*

720 ILCS 5/16-1(a)(1)(A), (B), and (C) (West 2015) as amended by P.A. 96-1301, effective January 1, 2011.

Give Instruction 13.01.

Choose from among the three options for the Third Proposition that option which is reflective of the charge against the defendant.

Other definitions may be appropriate. *See* Instructions 13.33 through 13.33G.

Insert in the blank the name of the owner.

Use applicable bracketed material.

The brackets and numbers 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.