

13.40

Issues In Forgery

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

[1] *First Proposition:* That the defendant knowingly made or altered a ____ so that it appeared to have been made [(by another) (at another time) (with different provisions) (by authority of one who did not give such authority)];

[or]

[2] *First Proposition:* That the defendant knowingly issued or delivered a ____ which he knew had been made or altered so that it appeared to have been made [(by another) (at another time) (with different provisions) (by authority of one who did not give such authority)];

[or]

[3] *First Proposition:* That the defendant knowingly possessed, with intent to issue or deliver a ____, which he knew had been made or altered so that it appeared to have been made [(by another) (at another time) (with different provisions) (by authority of one who did not give such authority)];

and

Second Proposition: That the defendant did so with an intent to defraud; and

Third Proposition: That the ____ was apparently capable of defrauding.

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 5/17-3(a)(1), (2), and (3) (West, 1992) (formerly Ill.Rev.Stat. ch. 38, §17-3(a)(1), (2), and (3) (1991)).

Give Instruction 13.39.

Use applicable bracketed material.

Insert in the blanks a description of the document.

In *People v. Smith*, 259 Ill.App.3d 492, 500-01, 631 N.E.2d 738, 743-44, 197 Ill.Dec. 516, 521-22 (4th Dist.1994), the court concluded that the State is not required to prove that anyone was actually defrauded by the defendant's conduct, and accordingly held that the State need not allege or prove the identity of the victim whom the defendant intended to defraud. See also *People v. Crouch*, 29 Ill.2d 485, 486-87, 194 N.E.2d 248, 249 (1963). Because this

instruction formerly required the inclusion of the victim's identity, the court held that it misstated the law. In light of Smith, the Committee has deleted the victim's identity previously required in the Second Proposition.

The bracketed numbers [1] through [3] correspond to the alternatives of the same number in Instruction 13.39, the definitional instruction for this offense. Select the alternative First Proposition that corresponds to the alternative selected from the definitional instruction.

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.