

13.16

Issues In Theft By Deception Of Property Not Exceeding \$300 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 by deception knowingly obtained 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

720 ILCS 5/16-1(a)(2)(A), (B), and (C) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §16-1(a)(2)(A), (B), and (C) (1991)).

Give Instruction 13.15.

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

When the defendant is not also charged with theft of property exceeding \$300 in value, there is no need to mention the value of the property in the definitional instruction (Instruction 13.15), this instruction, the concluding instruction (Instruction 26.01), or the verdict forms (Instructions 26.02 and 26.05). However, when the defendant is also charged with theft of property exceeding \$300 in value, this instruction and each of the others specified in this paragraph should be modified by identifying this charge as “theft of property not exceeding \$300 in value,” instead of as simply “theft.”

Insert in the blank the name of the owner.

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

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.