

22.20 Issues In Obstructing Justice

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

First Proposition: That the defendant knowingly [(destroyed) (altered) (concealed) (disguised)] physical evidence; and

Second Proposition: That the defendant did so with intent to [(prevent the apprehension) (obstruct the prosecution) (obstruct the defense)] of ____.

[or]

First Proposition: That the defendant knowingly [(planted false evidence) (furnished false information)]; and

Second Proposition: That the defendant did so with intent to [(prevent the apprehension) (obstruct the prosecution) (obstruct the defense)] of ____.

[or]

First Proposition: That ____ (witness) was a witness having knowledge of ____ (subject at issue); and

Second Proposition: That the defendant induced ____ (witness) [(to leave the State) (conceal himself)]; and

Third Proposition: That the defendant did so with intent to [(prevent the apprehension) (obstruct the prosecution) (obstruct the defense)] of ____.

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 5/31-4(b) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-4(b) (1991)).

Give Instruction 22.19.

Insert in the appropriate blanks the name of the person whose apprehension, prosecution, or defense was obstructed, the name of the witness, or a description of the subject at issue.

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.