

13.40A
Issues In Forgery

Use For Cases Where The Offense Is Alleged To Have Occurred After December 31, 2011

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

[1] *First Proposition:* That the defendant knowingly [(made a false document) (altered any document to make it false)]; and

[or]

[2] *First Proposition:* That the defendant knowingly [(issued) (delivered)] a [(false document) (document altered to make it false)] which he knew had been falsely made or altered; and

[or]

[3] *First Proposition:* That the defendant knowingly possessed, with intent to [(issue) (deliver)] a [(false document) (document altered to make it false)] which he knew had been falsely made or altered; and

[or]

[4] *First Proposition:* That the defendant knowingly and unlawfully used the digital signature of another; and

[or]

[5] *First Proposition:* That the defendant knowingly and unlawfully used the signature device of another to create an electronic signature of that other person; and

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

Third Proposition: That the document was apparently capable of defrauding another.

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 (West 2021).

Give Instruction 13.39A.

The bracketed numbers [1] through [5] correspond to the alternatives of the same number in Instruction 13.39A, the definitional instruction for this offense. Select the alternative First Proposition that corresponds to the alternative selected from the definitional instruction.

Use applicable paragraphs and bracketed material. The brackets and numbers are provided 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. Give Instruction 5.03.