

7.15A
Causation In Felony Murder Cases

Use For Cases Where The Offense Is Alleged To Have Occurred Before July 1, 2021.

A person commits the offense of first degree murder when he commits the offense of _____, and the death of an individual results as a direct and foreseeable consequence of a chain of events set into motion by his commission of the offense of _____.

It is immaterial whether the killing is intentional or accidental [(or committed by a confederate without the connivance of the defendant) (or committed by a third person trying to prevent the commission of the offense of _____)].

Committee Note

720 ILCS 5/9-1(a)(3) (West 2013).

In *People v. Hudson*, 222 Ill.2d 392, 408, 856 N.E.2d 1078 (2006), the supreme court set out the above definition of causation in felony murder cases where the defendant did not perform the acts which caused the death of the deceased. See also *People v. Lowery*, 178 Ill.2d 462, 467, 687 N.E.2d 973 (1997).

When causation is an issue under section 720 ILCS 5/9-1(a)(1) (intentional murder), 720 ILCS 5/9-1(a)(2) (knowing murder) or 720 ILCS 5/9-3(a) (reckless homicide) as well as felony murder then Instruction 7.15 should also be given.

For the definition of “proximate cause” in aggravated driving under the influence cases, see Instruction 23.28A.

For the definition of “proximate cause” in all other cases, see Instruction 4.24.

Insert in all three blanks the applicable forcible felony.

Use applicable bracketed material in the second paragraph. In some instances neither clause in the bracketed paragraph is appropriate and under those circumstances the sentence should stop after the word “accidental.” See, e.g., *People v. Brackett*, 117 Ill.2d 170, 510 N.E.2d 877 (1987).

The brackets are provided solely for the guidance of the court and counsel and should not be included in the instruction submitted to the jury.