

7.15

Causation In Homicide Cases Excluding Felony Murder

[(For the offense of _____, in (In)] order for you to find that the acts of the defendant caused the death of _____, the State must prove beyond a reasonable doubt that defendant's acts [of delivering _____] were a contributing cause of the death and that the death did not result from a cause unconnected with the defendant. However, it is not necessary that you find the acts of the defendant were the sole and immediate cause of death.

Committee Note

The Illinois Supreme Court has held that a defendant's act need not be the sole or immediate cause of death; it is sufficient if the defendant's act contributed to cause the death. *People v. Nere*, 2018 IL 122566, 115 N.E.3d 205; *People v. Brown*, 169 Ill.2d 132, 661 N.E.2d 287 (1996); *People v. Brackett*, 117 Ill.2d 170, 510 N.E.2d 877 (1987). See also *People v. Woodard*, 367 Ill.App.3d 304, 854 N.E.2d 674 (1st Dist. 2006); *People v. Martinez*, 348 Ill.App.3d 521, 810 N.E.2d 199 (1st Dist. 2004).

Use the bracketed material where the defendant delivered multiple controlled substances to the victim but is charged with drug-induced homicide on the basis of less than all of the controlled substances that were delivered. A modification under such circumstances was approved by the Illinois Supreme Court in *People v. Nere*, 2018 IL 122566, 115 N.E.3d 205.

The Committee recommends that this instruction be given whenever causation is an issue under Section 720 ILCS 9-1(a)(1) (intentional murder), 9-1(a)(2) (knowing murder), or 720 ILCS 5/9-3(a) (involuntary manslaughter and reckless homicide). However, when felony murder (720 ILCS 9-1(a)(3)) is charged and causation is an issue, Instruction 7.15A 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.

When instructing for offenses with different definitions of causation, such as involuntary manslaughter (720 ILCS 5/9.3) and felony endangerment of the life or health of a child (720 ILCS 5/12C-5(d)), use the first bracketed material naming the appropriate offense.

Insert the name of the alleged victim in the second blank.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant." Give Instruction 5.03.

For an example of the use of this instruction, see Sample Set 27.06.