

14-2820. Aiding or abetting; accessory to crime of attempt.¹

The defendant may be found guilty of an attempt even though the defendant did not do the acts constituting the attempt, if the state proves to your satisfaction beyond a reasonable doubt each of the following elements:

1. The defendant intended that another person commit the crime;
2. Another person attempted to commit the crime; and
3. The defendant helped, encouraged, or caused the attempt to commit the crime.

[This instruction does not apply to the charge of felony murder.]²

USE NOTES

1. For use if the evidence supports liability of the defendant as an aider or abettor for any crime of attempt. This instruction should not be used for felony murder. The essential elements of the attempt or attempts must also be given.

2. Use the bracketed sentence if a charge of felony murder is also submitted to the jury.

[As amended by Supreme Court Order No. 17-8300-012, effective for all cases pending or filed on or after December 31, 2017.]