

14-2822. Aiding or abetting; accessory to crime other than attempt and felony murder.

The defendant may be found guilty of a crime even though the defendant did not do the acts constituting the crime, 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 committed the crime;
 3. The defendant helped, encouraged, or caused the crime to be committed.
- [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 or co-conspirator regardless of whether conspiracy is charged, for any crime except attempt and felony murder. This instruction should not be used for attempt or felony murder. The essential elements of the crime or crimes 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.]