

8.2. Aiding, Inducing or Causing Attempted Murder

Instruction No. 2.1800. Attempted Murder.

Ind. Code § 35-41-2-4

Aiding, inducing or causing attempted murder is defined by law as follows:

A person who, knowingly or intentionally [aids another person who is engaged] [induces or causes another person to engage] in conduct that constitutes a substantial step toward killing a third person, when both have the specific intent to kill the third person, commits the offense of [aiding] [inducing] [causing] attempted murder. [A person may be convicted under this statute, even if the other person has not been prosecuted for the attempted murder, has not been convicted of the attempted murder, or has been acquitted of the attempted murder.]

Before you may convict the Defendant, the State must have proved each of the following elements beyond a reasonable doubt:

- 1.The Defendant
- 2.[knowingly] [intentionally]
- 3.[aided (*name other person*) when (*name other person*) was engaged]
- [or]
- [induced or caused (*name other person*) to engage]
- 4.in conduct that constituted a substantial step toward killing [*name third person*]
- 5.and both Defendant and [name other person] acted with the specific intent to kill [*name third person*].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of aiding, inducing, or causing attempted murder, a Level [*specify grade of felony*] felony, charged in Count .

Comments

“[B]oth the level of ambiguity and the corresponding need for precise jury instructions significantly increase in a prosecution for aiding an attempted murder.” [Williams v. State, 737 N.E.2d 734, 740 \(Ind. 2000\)](#).

A trial court commits fundamental error when it fails to instruct the jury that, to find an accomplice guilty of attempted murder, the jury must find the accomplice acted with the specific intent to kill when he/she knowingly or intentionally aided, induced, or caused another person to commit attempted murder. *Id.*; see also [Rosales v. State, 23 N.E.3d 8 \(Ind. 2015\)](#).

As required by [Bethel v. State, 730 N.E.2d 1242, 1246 \(Ind. 2000\)](#), and [Hopkins v. State, 759 N.E.2d 633 \(Ind. 2001\)](#).