

Ala. Code 1975, § 13A-2-23

Accountability for Behavior of Another – Accessory

A person is accountable for the behavior of another constituting an offense if, with the intent to promote or assist the commission of the offense: **[Read appropriate part]**

- (1) He/she procures, induces or causes the other person to commit the offense;
- (2) He/she aids or abets the other person in committing the offense; **[or]**
- (3) Having a legal duty to prevent the commission of the offense, he/she fails to make an effort he/she is legally required to make.

A person acts ***intentionally*** with respect to a result or to conduct described by a statute defining an offense, when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

“*Aid or abet*” is to help, assist, or facilitate the commission of a crime, promote the accomplishment thereof, help in advancing or bringing it about, or encourage, counsel, or incite as to its commission. (*Black’s Law Dictionary*)

“*Aid and abet*” comprehends all assistance rendered by acts or words of encouragement, support or presence, actual or constructive, to render assistance should it become necessary. *Radke v. State*, 292 Ala. 290, 293 So.2d 314 (1974).

The perpetrator can commit the crime though he/she may vary the mode or circumstances of the perpetration, or though no particular manner, time or place may have been counseled or instigated. *Griffith v. State*, 90 Ala. 583, 8 So. 812 (1891).

Mere presence at the scene, without more evidence, is not sufficient to prove complicity. See *Hand v. State*, 26 Ala. App. 317, 159 So. 275 (Ala. Cr. 1935).

No particular acts are necessary and it is sufficient to convict if the jury is convinced beyond a reasonable doubt that the defendant was present with a view to render aid should it become necessary. *Radke v. State*, 292 Ala. 290, 293 So.2d 314 (1974).

The State has the burden of proof. The burden does not shift to the defendant.

[Adopted 10-17-14.]