

**Ala. Code 1975, § 13A-4-2**

**ATTEMPT**

The defendant is charged with attempted **[Insert name of crime attempted]**.

A person commits the crime of attempted **[Insert name of crime attempted]** if, with the intent to commit the offense attempted, he/she does any overt act towards the commission of that offense.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant intended to commit the crime of **[Insert name of crime attempted]**; **(AND)**
- (2) Acting with the intent to commit the crime of **[Insert name of crime attempted]**, the defendant did an overt act towards the commission of the offense.

A person commits the crime of **[Insert name of crime attempted]** if **[Insert instruction for that crime]**.

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)]

What constitutes commission of an overt act towards the commission of the offense of **[Insert name of crime attempted]** is for the jury to decide under the circumstances. It requires that the defendant do some act directed to the eventual carrying out of the crime. However, mere remote acts in preparation which are not reasonably in the chain of causation leading to the completion of the crime are insufficient.

**[Read if appropriate - Impossibility]** – It is not a defense that under the circumstances it was factually or legally impossible to commit the crime if the offense could have been committed had the circumstances been as the defendant believed they were.

**[Read if appropriate]** – A person is not guilty if, under circumstances manifesting a voluntary and complete renunciation of criminal intent, he/she avoided the commission of the attempted offense by abandoning his/her effort, and, if mere abandonment is insufficient to accomplish the avoidance, by taking further and affirmative steps which prevented its commission. The burden of raising this issue is on the defendant, but this does not shift the burden of proof to the defendant. [*Chaney v. State*, 417 So.2d 625 (Ala. Cr. 1982)]

**[Read if appropriate - Completion]** – It is no defense to a prosecution for attempted **[Insert name of crime attempted]** that the attempted offense was actually committed.  
[13A-4-5]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of the offense, then you shall find the defendant guilty of this offense.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements, then you cannot find the defendant guilty of this offense.

[Adopted 10-17-14.]