

**Ala. Code 1975, § 13A-2-22**

**Accountability for Behavior of Another – Innocent Person’s Behavior**

A person is accountable for the behavior of another if, acting with the culpable mental state sufficient for the commission of the offense, he/she causes an innocent person to engage in such behavior.

An *innocent person* includes any person who is not guilty of the offense, despite his/her behavior, because of: **[Read appropriate part]**

- (1) Criminal irresponsibility or other legal incapacity or exemption;
- (2) Unawareness of the criminal nature of the conduct or of the defendant’s criminal purpose; **[or]**
- (3) Any other factor precluding the mental state sufficient for the commission of the offense.

**Use Notes**

This charge is to be used where the guilt of the defendant is sought to be established in whole or in part because he/she procured the commission of a crime through the overt behavior of an innocent or irresponsible person. Innocent persons include those who are not legally responsible for their actions because of severe mental disease, intoxication, infancy, and those who act without the necessary criminal intent. Appropriate examples should be given with each subsection. For example, 13A-3-3 - Duress, 13A-2-6 - Ignorance or Mistake; 13A-3-1 - Insanity.

[Adopted 10-17-14.]