

Ala. Code 1975, §15-23-22(b)

Control by Deception over Money or Securities

The defendant is charged with control by deception over money or securities.

A person commits the crime of control by deception over money or securities if he/she knowingly obtains by deception any control over any money or securities held on behalf of or in trust for the Alabama Crime Victims Compensation Commission with intent to deprive such commission of such money or securities.

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

- (1) The defendant obtained by deception control over money or securities, **[insert a description of the money or securities]**, held on behalf of or in trust for the Alabama Crime Victims Compensation Commission;
- (2) The defendant did so with intent to deprive such commission of such money or securities; **(AND)**
- (3) The defendant did so knowingly.

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)]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of control by deception over money or securities, then you shall find the defendant guilty of control by deception over money or securities.

If you find that the State has failed to prove any one or more of the elements of the offense of control by deception over money or securities, then you cannot find the defendant guilty of control by deception over money or securities.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Notes

“Deception,” “deprive” and “securities” are not defined in this section. However, there are definitions for “deception” and “deprive” in 13A-8-1(1) and 13A-8-1(2) in the theft

offenses. While the definitions found there do not expressly apply to this code section, their definitions would arguably be appropriate for use here.

[Approved 05/09/19]