

21.17 COMPOUNDING A FELONY

§ 843.14, Fla. Stat.

To prove the crime of Compounding a Felony, the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant) **knew that a[n]** (felony alleged) **had been committed.**

2. (Felony alleged) **was a felony.**

Give 3a and/or 3b as applicable.

3. (Defendant)

a. **took [money] [or] [a gratuity] [or] [a reward].**

b. **entered into an engagement to take [money] [or] [a gratuity] [or] [a reward].**

4. (Defendant) **did so upon an agreement or understanding to [conceal] [or] [not prosecute] [or] [not give evidence of] [or] [compound] that** (felony alleged).

The Court instructs you that on the date[s] alleged in the charging document, (felony alleged) **was a felony.**

The Court should define the felony alleged.

Give if applicable.

The agreement or understanding in element number 4 can be express or implied.

Lesser Included Offense

COMPOUNDING A FELONY — 843.14

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
Compounding a felony (misdemeanor) [i.e., if (felony alleged) is not a capital felony, life felony, or first degree felony punishable by life]		843.14	21.17
	Attempt	777.04(1)	5.1

Comments

§ 843.14, Fla. Stat. links the degree of the felony that was concealed to the degree of the crime that the defendant committed. If the felony that the defendant concealed was a capital felony, a life felony, or a first-degree felony punishable by life, the crime of Compounding a Felony is a third-degree felony. However, if the felony that the defendant concealed was a first, second, or third-degree felony, the crime of Compounding a Felony is a first-degree misdemeanor. Although there is no case law directly on point,

the Committee on Standard Jury Instructions in Criminal Cases relied on the logic in *Bowen v. State*, 791 So. 2d 44 (Fla. 2d DCA 2001) to conclude that the State must specify the felony that the defendant knew about and concealed.

This instruction was adopted in 2018.