

14-6012. Multiple verdict forms; lesser included offenses.¹

In this case, as to the charge of _____² [contained in Count _____], there are four possible verdicts [as to each defendant] [as to the defendant[s] _____ (name)]

- (1) guilty of _____^{.2}
- (2) not guilty of _____^{.2}
- (3) guilty of _____^{.3}
- (4) not guilty of _____^{.3}

You must consider each of these crimes. You should be sure that you fully understand the elements of each crime before you deliberate further. You have the discretion to choose the manner and order in which you deliberate on this Count, but you must return a unanimous verdict of not guilty on _____² before entering a verdict on _____^{.3}

You will first decide whether [the] [a] defendant is guilty of the crime of _____^{.2} If you unanimously find the defendant guilty of _____^{.2}, then that is the only form of verdict which is to be signed as to this Count. If you unanimously find the defendant not guilty of _____^{.2}, then you should sign only the not guilty form as to _____^{.2}

If, after reasonable deliberation, you do not reach a unanimous verdict on _____^{.2}, you should not sign a verdict form for that crime and you should not proceed to reach a verdict on the remaining crime[s].¹

If you unanimously find the defendant not guilty of _____^{.2}, you will then go on to a consideration of the crime of _____^{.3} If you unanimously find the defendant guilty of _____^{.3}, then that is the only form of verdict which should be signed. But if you unanimously find the defendant not guilty of the crime of _____^{.3}, then you should sign only the not guilty form. If, after reasonable deliberation, you do not reach a unanimous verdict on _____^{.3}, you should not sign a verdict form for that crime.

You may not find [the] [a] defendant guilty of more than one of the foregoing crimes. If you have a reasonable doubt as to whether [the] [a] defendant has committed any one of the crimes, you must determine that the defendant is not guilty of that crime. If you find the defendant not guilty of all of these crimes, [in Count _____] you must return a verdict of not guilty [as to this Count].

USE NOTES

- 1. This instruction assumes only one lesser included offense. The instruction must be modified if there is more than one lesser included offense to the crime charged. For use when the defendant's mental condition at the time of the offense is not an issue.
- 2. Insert name of greater offense.
- 3. Insert name of lesser included offense.

[As amended by Supreme Court Order No. 20-8300-004, effective for all cases pending or filed on or after December 31, 2020.]