

# Index

## **ABANDONMENT**

Animal cruelty, abandonment of animal involved in animal fighting, **135.10**

## **ABANDONMENT OF DEPENDENT PERSONS**

Criminal mistreatment, **PJI-Crim (Vols 11-11A) 38.10 et seq.**

Termination of services defense, **19.15**

## **ABANDONS**

Defined, **135.16**

## **ABDUCT**

Defined, **39.30**

## **ABUSE**

Elements, **29.04**

Homicide by abuse. Homicide, this index

Sexual Abuse, this index

## **ABUSE OF TRUST**

Aggravating circumstances, **300.23**

## **ACCESS DEVICE**

Defined, theft, **79.07**

Possessing stolen access devices, presumption, **77.15**

Theft, access device or public record, **70.06.01**

## **ACCIDENTS**

Hit and run, **97.01 et seq.**

## **ACCOMPLICES**

Aggravating Circumstances, this index

Defined, **10.51**

Testimony, **6.05**

## **ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)**

Administration, **35.15**

Assault, second degree

Generally, **35.15**

Administration, **35.15**

## **ACTIONS AND REMEDIES**

Damages, this index

Death and Death Actions, this index

Extortion, second degree, **76.06**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**ACTIONS AND REMEDIES—Cont'd**

Official proceeding, defined, **118.16**

**ACTOR**

Defined, **2.01**

**ACTS**

Natural consequences of acts, intentions, presumptions, **6.25**

**ACTUAL DANGER NOT NECESSARY**

Lawful force, **17.05**

**ADDITIONAL INSTRUCTIONS**

Generally, **4.68**

**ADMISSIONS**

Codefendants, out of court statements, **6.42**

**ADMONITIONS**

Warnings, this index

**ADVANCED PROSTITUTION**

Generally, **48.11**

**ADVANCE ORAL INSTRUCTIONS**

Generally, **1.01**

Aggravating circumstances, stand-alone sentencing procedure, **300.03, 300.05**

Capital Punishment, this index

**ADVANCES A SEXUALLY EXPLICIT ACT OF A MINOR**

Definition, **48.25**

**AFFIRMATION**

Oath and Affirmation, this index

**AFTERBORN OR UNBORN CHILDREN**

Assault, second degree, elements, **35.17**

Quick child, defined, **35.51**

**AGE**

Indecent exposure, victim

Under fourteen years, **47.03, 47.04**

Fourteen years or older, **47.01, 47.02**

**AGGRAVATED DOMESTIC VIOLENCE**

Generally, **300.17**

**AGGRAVATED FIRST DEGREE MURDER**

Generally, **30.00 et seq.**

Special verdicts, **30.04**

**AGGRAVATING CIRCUMSTANCES**

Generally, **300.00 et seq.**

## INDEX

### AGGRAVATING CIRCUMSTANCES—Cont'd

- Abuse of trust, **300.23**
- Accomplice liability
  - Generally, **300.08**
  - Special verdict form, **300.50.01, 300.53**
- Advance oral instruction for stand-alone sentencing procedure, **300.03, 300.05**
- Aggravated domestic violence, **300.17**
- Bifurcated trials
  - Checklist for written instructions, **300.01, 300.06**
  - Concluding instruction, **300.51**
  - Special verdict form, **300.52, 300.53**
- Bodily harm, level of, **300.34**
- Burden of proof, multiple factors alleged, **300.07**
- Burglary victim, presence of, **300.30**
- Capital punishment, advance oral instructions, **31.01, 31.02**
- Checklist for written instructions, **300.01**
- Children and minors
  - Paying to view internet depictions of minor engaged in sexually explicit conduct, **300.38**
  - Pregnancy of child victim of rape, **300.18**
  - Trafficking, minor victim of, **300.21**
- Concluding instruction, bifurcated trial or stand-alone sentencing proceeding, **300.51**
- Conclusion of trial, introductory instruction, **300.04**
- Courtroom, crime in, **300.40**
- Criminal street gang, **300.36**
- Deliberate cruelty, **300.10**
- Driving the wrong way, **300.37**
- Egregious lack of remorse, **300.26**
- Future dangerousness, **300.24**
- Good Samaritan, **300.32**
- Health care or research, **300.20**
- Homeless person, crime against, **300.39**
- Impact on others, **300.27**
- Internet depictions of minor engaged in sexually explicit conduct, paying to view, **300.38**
- Invasion of privacy, **300.25**
- Law enforcement victim, **300.31**
- Level of bodily harm, **300.34**
- Major economic offense, **300.13**
- Major violation of Uniform Controlled Substances Act, **300.14**
- Metal property, stolen, **300.35**
- Minors. Children and minors, above
- Murder, aggravated first degree, **30.03**
- Ongoing pattern of sexual abuse, **300.16**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**AGGRAVATING CIRCUMSTANCES—Cont'd**

- Particularly vulnerable victims, **300.11**
- Paying to view internet depictions of minor engaged in sexually explicit conduct, **300.38**
- Position in group, crime committed to obtain or advance, **300.28**
- Pregnancy
  - Child victim of rape, **300.18**
  - Violent crime/pregnant victim, **300.12**
- Presence of burglary victim, **300.30**
- Procedure, **300.01-300.07**
- Public official or officer of the court, retaliation against a, **300.33**
- Rapid recidivism, **300.29**
- Relationship for the purpose of victimization, **300.19**
- Remorse, egregious lack of, **300.26**
- Retaliation against a public official or officer of the court, **300.33**
- Sexual abuse, ongoing pattern of, **300.16**
- Sexual motivation, **300.15**
- Sophistication or planning, **300.22**
- Special verdict form
  - Accomplice liability, **300.50.01, 300.53**
  - Bifurcated trial or stand-alone sentencing proceeding, **300.52, 300.53**
  - Unitary trial, **300.50**
- Stand-alone sentencing proceedings
  - Generally, **300.01 et seq.**
  - Advance oral instruction, **300.03, 300.05**
- Stolen metal property, **300.35**
- Street gangs, **300.36**
- Trafficking, minor victim of, **300.21**
- Uniform Controlled Substances Act, major violation, **300.14**
- Unitary trials
  - Checklist for written instructions, **300.01**
  - Factors, **300.02**
- Violent crime/pregnant victim, **300.12**
- Voir dire, **31.01**
- Wrong way driving, **300.37**

**AGGRESSORS**

- Defense of others, justifiable homicide, **16.04.01**
- Self-defense, justifiable homicide, **16.04**

**AID OR ASSISTANCE**

- Accomplices, this index

**AIDS**

- Acquired Immunodeficiency Syndrome (AIDS), this index

## INDEX

### **ALCOHOLIC BEVERAGES**

- Breath Test, this index
- Defined, driving or being in physical control while under the influence, **92.12**
- Negligent driving, exhibiting the effects of having consumed liquor, **96.10**

### **ALIBIS**

- Generally, **18.15**

### **ALTERNATE JURORS**

- Discharge, **4.69**
- Reconstituted jury after beginning of deliberations, **4.69.02**
- Temporary excuse, **4.69.01**

### **ANIMAL CRUELTY**

- Generally, **135.01 et seq.**
- Abandonment, **135.12**
- Abandonment of animal involved in animal fighting, **135.10**
- Abandons, defined, **135.16**
- Animal, defined, **135.25**
- Animal fighting, **135.26 et seq.**
- Defenses, **135.20, 135.40**
- Failure to provide necessities, **135.11**
- First degree, **135.01 et seq.**
- Mutilating and animal, defined, **135.29, 135.30, 135.40**
- Other means, elements, **135.05**
- Owner, defined, **135.15**
- Paraphernalia for animal fighting, **135.28**
- Second degree, **135.08 et seq.**
- Sexual conduct or contact, defined, **135.02**
- Sexual conduct with animal, defined, **135.03**
- Starvation, dehydration, or suffocation, **135.04**
- Suffering or pain, elements, **135.09**

### **ANIMAL FIGHTING**

- Generally, **135.26 et seq.**
- Abandonment of animal involved in animal fighting, **135.10**
- Elements, **135.26 et seq.**

### **ANIMALS**

- Cruelty. Animal Cruelty, this index
- Defined, **135.25**
- Fighting. Animal Fighting, this index
- Livestock, this index
- Theft of livestock, **75.01 et seq.**

### **APPEARANCE**

- Bail jumping, **120.40, 120.41**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**APPROPRIATING LOST OR MISDELIVERED PROPERTY OR SERVICES**

Defined, theft, **79.05**

**APPROVAL**

Consent or Approval, this index

**ARREST**

Assault, third degree, resistance, **35.20**

Elements, **35.21**

Resisting arrest

Definition, **120.05**

Elements, **120.06**

**ARSON AND RELATED OFFENSES**

Generally, **80.01 et seq.**

Definitions, **88.01 et seq.**

Elements

First degree, **80.02**

Second degree, **80.06**

First degree

Generally, **80.01**

Elements, **80.02**

Manifestly dangerous, defined, **88.05**

Reckless burning

Generally, **83.01 et seq.**

Defenses, **19.05**

Definitions, **88.01, 88.02**

Elements

First degree, **83.02**

Second degree, **83.06**

First degree

Generally, **83.01**

Elements, **83.02**

Second degree

Generally, **83.05**

Elements, **83.06**

Second degree

Generally, **80.05, 80.06**

Elements, **80.06**

**ASSAULT AND BATTERY**

Generally, **35.01 et seq.**

Children and minors. Assault of a Child, this index

Court personnel, **35.23.05**

Courtrooms, elements, **35.23.051**

Custodial Assault, this index

## INDEX

### ASSAULT AND BATTERY—Cont'd

#### Deadly weapon

Alternate means, **35.07, 35.08**

#### First degree

Generally, **35.01**

Elements, **35.02**

#### Second degree

Alternate means, elements

Generally, **35.12, 35.13**

Deadly weapon or intent to commit felony, **35.16**

Elements, **35.19**

Defined, **35.50**

#### Elements

#### First degree

Generally, **35.02**

Deadly weapon or great bodily harm, alternate means, **35.08**

Great bodily harm, **35.04**

Poison, **35.06**

#### Fourth degree, **35.26**

#### Second degree

Generally, **35.12, 35.13**

Deadly weapon or intent to commit felony, alternate means, **35.16**

Intent to commit felony, **35.11**

Torture, **35.18**

Unborn children, **35.17**

#### Third degree

Generally, **35.21 et seq.**

Court process or arrest, **35.21**

Transit operators, **35.23**

First degree, **35.01 et seq.**

#### Fourth degree

Elements, **35.26**

Gross misdemeanor, **35.25**

Great bodily harm, alternate means, **35.07, 35.08**

Health care provider, **35.23.04**

Law enforcement officer, **35.23.06**

#### Poison

#### First degree

Generally, **35.05**

Elements, **35.06**

HIV, **35.05, 35.06**

Second degree, elements, **35.14**

Second degree, **35.10 et seq.**

Special verdict, law enforcement officer, **35.23.06**

Strangulation, defined, **35.53**

**ASSAULT AND BATTERY—Cont'd**

- Substantial bodily harm
  - Assault of child, first degree, elements, **35.35.03**
  - Defined, **2.03.01**
  - Second degree, elements, **35.12, 35.13**
- Suffering, third degree, elements, **35.24**
- Suffocation, **35.54**
- Third degree, **35.20 et seq.**
- Torture, second degree, elements, **35.18**
- Vehicular assault, **91.01 et seq.**

**ASSAULT OF A CHILD**

- Elements
  - First degree, **35.35.01 et seq., 35.35 et seq.**
  - Second degree, **35.37 et seq.**
  - Third degree, **35.39**
- First degree, **35.34 et seq.**
- Second degree, **35.36 et seq.**
- Third degree, **35.38, 35.39**

**ASSEMBLY**

- Disruption, disorderly conduct, **126.10**

**ASSISTANCE**

- Public assistance fraud, **70.15 et seq.**

**ATTACK**

- Retreat, justifiable homicide, **16.08**

**ATTEMPT**

- Generally, **100.01 et seq.**
- Concluding instructions, **155.00**
- Elements, **100.02**
- General verdict form, **180.05**

**ATTEMPTING TO ELUDE POLICE VEHICLE**

- Elements, **94.02**
- Special verdicts, endangering others, **190.12**

**AUTHORIZATION**

- Defined, **52.19**

**BAIL JUMPING**

- Generally, **120.40, 120.41**
- Defense, uncontrollable circumstances, **19.17**
- Elements, **120.41**

**BANKS**

- Robbery, **37.51**
- Unlawful Issuance of a Bank Check, this index



## INDEX

### **BATTERY**

Assault and Battery, this index

### **BENEFIT**

Defined, **2.02**

### **BIAS**

Prejudice or Bias, this index

### **BIFURCATED TRIALS**

Aggravating Circumstances, this index

### **BIGAMY**

Generally, **46.01**

Defenses, **19.10**

Elements, **46.02**

### **BLOOD TEST**

Evaluation, **92.16**

### **BODILY HARM OR INJURY**

Aggravating circumstances, **300.34**

Assault of a child, second degree, elements, **35.37.02**

Defined, **2.03**

Hate crimes, elements, **36.92**

Hit and run, **97.01 et seq.**

Malicious harassment, elements, **36.02**

### **BREATH TEST**

Evaluation, **92.16**

Refusal, **92.13**

### **BRIBERY**

Generally, **115.01 et seq.**

Elements, **115.02, 115.03, 115.31, 115.41**

Offering or conferring, **115.02**

Witness receiving bribe. Witnesses, this index

### **BUILDINGS**

Arson and related crimes, defined, **80.02, 88.01**

Burglary, **60.01 et seq.**

Criminal trespass, public access, defenses, **19.06**

Defined, **2.05, 65.01, 88.01**

Feloniously entering building, rape, first degree, **40.03**

Rape, first degree, feloniously entering building, **40.03**

### **BURDEN OF PROOF**

Presumptions and Burden of Proof, this index

**BURGLARY**

Generally, **60.01 et seq.**  
Aggravating circumstances, presence of victim, **300.30**  
Elements  
    First degree, **60.02**  
    Making or having burglary tools, **60.11**  
    Residential burglary, **60.02.02**  
    Second degree, **60.04**  
Enter, defined, **65.03**  
Enters or remains unlawfully, defined, **65.02**  
First degree  
    Generally, **60.01 et seq.**  
    Elements, **60.02**  
    Making or having burglary tools, **60.10 to 60.12**  
    Premises, defined, **65.01 et seq.**  
    Residential burglary, **60.02.01, 60.02.02**  
    Second degree, **60.03, 60.04**

**BURNING**

Arson and Related Offenses, this index

**BUSINESS DAY**

Failure to register as sex or kidnapping offender, **49C.15**

**CAPACITY OR INCAPACITY**

Developmentally Disabled Persons. Instructions to Jury, this index  
Diminished Capacity, this index  
Mental Illness, this index

**CAPITAL PUNISHMENT**

Generally, **31.00 et seq.**  
Advance oral instructions  
    Generally, **31.02**  
    Voir dire, **31.01**  
Burden of proof, presumption of leniency and reasonable doubt, **31.05**  
Concluding instructions, **31.08**  
Introductory instructions, **31.03**  
Leniency, presumption, **31.05**  
Life without parole, question for jury, **31.06**  
Presumptions, leniency, **31.05**  
Reasonable doubt, **31.05**  
Sentencing phase  
    Advance oral instruction, **31.02**  
    Burden of proof, presumption of leniency, **31.05**  
    Special verdicts, sentencing, **31.09**

## INDEX

### **CARRYING CONCEALED WEAPON**

Elements, **133.04, 133.36**

### **CATTLE**

Theft of livestock, **75.01 et seq.**

### **CAUSE AND EFFECT**

Natural consequences of acts, intentions, presumptions, **6.25**

### **CHANGED INSTRUCTIONS**

Generally, **4.68.01**

### **CHARACTER**

Defendants, good character and reputation, **6.12**

### **CHECKS**

Unlawful issuance of a bank check, **73.01 et seq.**

### **CHILD MOLESTATION**

Defenses, **19.04.02**

Elements

First degree, **44.21, 44.21 et seq.**

Second degree, **44.23 et seq.**

Third degree, **44.25 et seq.**

First degree

Generally, **44.20**

Causing sexual contact, **44.21.01**

Elements, **44.21, 44.21 et seq.**

Sexual contact with a child, elements, **44.21**

Second degree

Generally, **44.22 et seq.**

Elements, **44.23**

Sexual contact, defined, **45.07**

Special verdicts, rape of a child or child molestation in return for a fee, **190.14**

Third degree

Generally, **44.24 et seq.**

Causing sexual contact, **44.25.01**

### **CHILD ON PREMISES**

Enhanced sentence, **50.80, 50.81**

### **CHILDREN AND MINORS**

Abuse. Commercial Sexual Abuse of a Minor, this index

Afterborn or Unborn Children, this index

Aggravating Circumstances, this index

Commercial Sexual Abuse of a Minor, this index

Communication with a Minor for Immoral Purposes, this index

Controlled substances, enhanced sentences, schools and school districts, **50.62**

Custody, kidnapping, second degree, defenses, **19.02**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**CHILDREN AND MINORS—Cont'd**

- Definitions, communication with a minor for immoral purposes, **47.09**
- Firearms. Unlawful possession of firearm, below
- Immoral purposes. Communication with a Minor for Immoral Purposes, this index
- Indecent exposure, victim under fourteen years, **47.03, 47.04**
- Kidnapping, second degree, defenses, **19.02**
- Molestation. Child Molestation, this index
- Physical discipline of child, defense, **17.07**
- Promoting prostitution, first degree
  - Definition, **48.03**
  - Person under 18, elements, **48.04.01**
- Prostitution. Promoting prostitution, first degree, above
- Rape of a child, defenses, **19.04**
- Rendering criminal assistance, special verdict, relatives, **120.14**
- Sexual abuse. Commercial Sexual Abuse of a Minor, this index
- Sexual Depictions of Minors, this index
- Sexual exploitation of a minor, defenses, **19.04.03**
- Significant relationship, defined, **45.08**
- Special verdicts, rape of a child or child molestation in return for a fee, **190.14**
- Unborn children. Afterborn or Unborn Children, this index
- Unlawful possession of firearm
  - Authorized to own or possess, **133.02.05**
  - Elements, **133.02.04**
- Weapons. Unlawful possession of firearm, above

**CIVIC CENTER**

- Defined, controlled substances, enhanced sentences, **50.67**

**CLASS B FELONY**

- Failure to register as sex or kidnapping offender, **49C.03**

**CLASS C FELONY**

- Failure to register as sex or kidnapping offender, **49C.04**

**COERCION**

- Duress or Coercion, this index

**COMMERCIAL SEXUAL ABUSE OF A MINOR**

- Defenses, **19.04.03**
- Elements, **48.20, 48.21**
- Patron, **48.27**

**COMMON SCHEME OR PLAN**

- Malicious mischief, **85.12**
- Unlawful issuance of bank check, **73.20**

**COMMUNICATIONS**

- Capital punishment, consultation among jurors, **31.04**

## INDEX

### **COMMUNICATIONS—Cont'd**

- Children. Communication with a Minor for Immoral Purposes, this index
- Consultation among jurors, capital punishment, **31.04**
- Deliberations, consultation among jurors, **1.04**
- Electronic Communication, this index
- Malicious harassment, reasonable fear, defined, **36.03.01**

### **COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES**

- Generally, **47.05 et seq.**
- Defenses, **19.04.03**
- Elements, **47.05, 47.06**

### **COMMUNITY CORRECTIONS FACILITIES**

- Custodial assault
  - Officers and employees, **35.42, 35.43**
  - Volunteers, **35.44, 35.45**

### **COMPENSATION AND SALARIES**

- Criminal solicitation, element, **105.02**
- Prostitution, this index
- Unlawful Compensation, this index

### **COMPOUNDING**

- Generally, **120.20, 120.21**
- Defenses, **19.11**
- Elements, **120.21**

### **COMPUTERS**

- Damage to computer records or programs, defined, malicious mischief, **88.04**

### **CONCLUDING INSTRUCTIONS**

- Instructions to Jury, this index

### **CONDUCT**

- Attempt, substantial step, **100.05**
- Criminal conspiracy, **110.01 et seq.**
- Criminal solicitation, **105.01, 105.02**
- Disorderly Conduct, this index
- Failure to disperse, **126.05, 126.06**
- Homicide, proximate cause
  - Generally, **25.02**
  - Conduct of another, **25.03**
- Malicious harassment, **36.03.01**
- Murder, first degree, indifference to human life, **26.05**
- Reckless endangerment, inferences, **35.30.01**

### **CONSENT OR APPROVAL**

- Custodial interference, **19.13**
- Defined, **45.04**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**CONSENT OR APPROVAL—Cont'd**

Indecent liberties, defenses, **18.25**

Rape

First or second degree, **18.25**

Second degree, incapacitated persons, **41.01, 41.02**

Third degree, lack of consent, expression, **42.01, 42.02**

**CONSEQUENCES OF ACTS**

Intention, presumption, **6.25**

**CONSPIRACY**

Generally, **110.01 et seq.**

Criminal Conspiracy, this index

Elements, **110.02**

**CONSULTATION**

Jury Deliberations. Jury and Jury Trial, this index

**CONTINUING CRIMINAL IMPULSE**

Defined, **2.28**

Special verdicts, **190.22**

**CONTROLLED SUBSTANCES**

Drugs and Narcotics, this index

**CONVICTION**

Defined, **49C.12**

Failure to register as sex or kidnapping offender, **49C.12**

**CORRECTIONAL INSTITUTIONS**

Community Corrections Facilities, this index

Correctional officers, resistance, lawful force, charges other than homicide, defenses, **17.02.01**

Custodial assault, **35.40 et seq.**

Designation, **120.38.01**

Prison, defined, **2.19**

Prisoner, defined, **2.20**

**CORRECTIONAL OFFICERS**

Lawful force, resisting officer, charges other than homicide, defenses, **17.02.01**

**CORRUPT INFLUENCE**

Bribery, **115.01 et seq.**

Public office, trading, **115.20 et seq.**

Special influence, trading, **115.25 et seq.**

**COSTS AND EXPENSES**

Reimbursement of Defense Costs, this index

Self-defense, reimbursement, **17.06**

## INDEX

### COUNTS

- Multiple counts
  - Multiple defendants, **3.03**
  - Single defendant, **3.01**
- Single count
  - Multiple criminal acts, elements of crime, jury unanimity, **4.25**
  - Multiple defendants, **3.02**

### COUNTY JAIL OR STATE CORRECTIONAL FACILITY

- Controlled substances, **50.70-50.73**

### COURT PERSONNEL

- Assault, **35.23.05**

### COURTROOMS

- Aggravating circumstances, crime in courtroom, **300.40**
- Assault, elements, **35.23.051**

### CREDIBILITY

- Defendants, out of court statements, **6.41**
- Expert witnesses, **6.51**
- Witnesses, **6.01**

### CREDIT

- Defined, unlawful issuance of bank checks, **79.10**

### CREDIT CARDS

- Possessing stolen access devices, presumption, **77.15**

### CRIME OF VIOLENCE

- Defined, **133.51**

### CRIMES

- Elements
  - Generally, **4.20 et seq.**
  - Alternative elements, **4.22, 4.23**
  - Defined, **4.24**
  - Format, **4.20 et seq.**

### CRIME SCENE

- Accident, hit and run, **97.01 et seq.**
- View
  - Generally, **4.51**
  - Admonition before viewing, **4.71**

### CRIMINAL CHARGES

- Extortion, defenses, **19.09**

### CRIMINAL CONSPIRACY

- Generally, **110.01 et seq.**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**CRIMINAL CONSPIRACY—Cont'd**

Elements, **110.02**

Substantial step, **110.03**

**CRIMINAL LAW**

Arrest, this index

Arson, this index

Burglary, this index

Felonies, this index

Harassment, this index

Hate Crimes, this index

Hit and Run, this index

Luring, this index

Perjury, this index

Reckless Driving, this index

**CRIMINAL MISCHIEF**

Elements, felonies, **126.02**

**CRIMINAL MISTREATMENT**

Generally, **38.00 et seq.**

Abandonment of dependent persons, **38.10 et seq.**

Abandons defined, **38.24**

Basic necessities of life defined, **38.20**

Child defined, **38.21**

Dependent person defined, **38.22**

Employed defined, **38.23**

First degree

Generally, **38.01, 38.02**

Abandonment of dependent persons, **38.11**

Fourth degree, **38.07, 38.08**

Great bodily harm defined, **38.25**

Second degree

Generally, **38.03, 38.04**

Abandonment of dependent persons, **38.12, 38.13**

Third degree

Generally, **38.05, 38.06, 38.06.01**

Abandonment of dependent persons, **38.14, 38.15**

**CRIMINAL NEGLIGENCE**

Assault, third degree

Generally, **35.22, 35.24**

Elements, **35.22, 35.24**

Defined, **10.04**

Manslaughter, second degree, **28.05, 28.06**



## INDEX

### **CRIMINAL POSSESSION OF LEASED OR RENTED MACHINERY, EQUIPMENT, OR MOTOR VEHICLES**

Elements, **70.21**

### **CRIMINAL SOLICITATION**

Criminal, **105.01**

Elements, **105.02**

### **CRIMINAL STREET GANG**

Aggravating circumstances, **300.36**

### **CRIMINAL TRESPASS**

Trespass, this index

### **CRUELTY**

Animal Cruelty, this index

### **CULPABILITY**

Introduction, **10.00**

Requirements, **10.00 et seq.**

Transferred intent, **10.01.01**

### **CURRENT OR PROSPECTIVE WITNESS**

Defined, intimidating a witness, **115.53**

### **CUSTODIAL ASSAULT**

Generally, **35.40 et seq.**

Elements

Generally, **35.40**

Community corrections volunteers, **35.45**

### **CUSTODIAL INTERFERENCE**

Generally, **39.20 et seq.**

Consent, **19.13**

Defenses, **19.12**

Elements

First degree

Parents, **39.23, 39.23.01**

Relatives, **39.21**

Second degree

Parents, **39.27**

Relatives, **39.25**

First degree, **39.20 et seq.**

Parents

First degree, **39.22, 39.23, 39.23.01**

Second degree, **39.26, 39.27**

Relatives

First degree, **39.20, 39.21**

Parents, above

PATTERN JURY INSTRUCTIONS—CRIMINAL

**CUSTODIAL INTERFERENCE—Cont'd**

Relatives—Cont'd  
Second degree, **39.24, 39.25**  
Second degree, **39.24 et seq.**

**CUSTODIAL SEXUAL CONDUCT**

Generally, **49B.01 et seq.**  
Correctional worker, elements, **49B.02, 49B.05**  
Defenses, **19.04.05**  
Elements, **49B.02 et seq.**  
First degree, **49B.01 et seq.**  
Law enforcement officer, **49B.03, 49B.06**  
Second degree, **49B.04 et seq.**

**CUSTODY**

Assault. Custodial Assault, this index  
Defined, escape, **120.50**  
Interference. Custodial Interference, this index  
Kidnapping, second degree, defenses, **19.02**

**CYBERSTALKING**

Generally, **36.81 et seq.**  
Definition, **36.81, 36.83**  
Elements, **36.82**  
Previous conviction, **36.84**  
Threat to kill, **36.85**

**DAMAGES**

Arson and related crimes, definitions, **88.02 et seq.**  
Malicious mischief, damage to computer records or programs, defined, **88.04**

**DANGER**

Justifiable homicide, belief, **16.07**  
Lawful force, belief, charges other than homicide, **17.04**

**DEADLOCK**

Generally, **4.81**

**DEADLY WEAPONS**

Weapons and Firearms, this index

**DEATH AND DEATH ACTIONS**

Hit and run, **97.01 et seq.**

**DECEPTION**

By color or aid of deception, defined, theft, **79.03**  
Defined, theft, **79.04**

**DEFENDANTS**

Admissions, out of court statements, codefendants, **6.42**

## INDEX

### **DEFENDANTS—Cont'd**

- Aggressor, self-defense, **16.04**
- Alibis, **18.15**
- Codefendants, admissions or incriminating statements, out of court statements, **6.42**
- Duress, **18.01**
- Entrapment, **18.05**
- Failure to testify, **6.31**
- False evidence, solicitation of, **5.10**
- Flight, evidence, **6.21**
- Good character, **6.12**
- Impeachment, prior convictions, **5.05**
- Insanity, **20.01 et seq.**
- Intoxication, voluntary, **18.10**
- Multiple defendants
  - Multiple counts, **3.03**
  - Murder, commission of felony, defenses, **19.01**
  - Single count, **3.02**
- Out of court statements
  - Admissions or incriminating statements, codefendants, **6.42**
  - Codefendants, **6.42**
  - Weight and credibility, **6.41**
- Reputation, **6.12**
- Single defendant, multiple counts, **3.01**
- Suppression of evidence, **5.10**

### **DEFENSE OF OTHERS**

- Aggressor, **16.04.01**
- Justifiable homicide, **16.02**
- Lawful force, charges other than homicide, defenses, **17.02**

### **DEFENSES**

- Generally, **14.00**
- Abandonment, termination of services defense, **19.15**
- Alibis, **18.15**
- Animal cruelty, **135.20, 135.40**
- Attempting to elude a police vehicle, reasonable belief that pursuer is not a police officer, **94.10**
- Bail jumping, uncontrollable circumstances, **19.17**
- Compounding, **19.11**
- Controlled Substances, this index
- Criminal mistreatment, financial inability, **19.14**
- Criminal trespass, public access, defenses, **19.06**
- Custodial interference, **19.12, 19.13**
- Diminished capacity, **18.20**
- Drinking after driving or physical control, **92.14**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**DEFENSES—Cont'd**

Duress, **18.01**  
Entrapment, **18.05**  
Escape, uncontrollable circumstances defense, **19.16**  
Insanity, **20.01 et seq.**  
Intoxication, voluntary, **18.10**  
Medical marijuana, **52.10 et seq.**  
Necessity, **18.02**  
Physical discipline of child, defense, **17.07**  
Prostitution, **19.04.06**  
Reckless burning, defenses, **19.05**  
Safely off roadway, driving under the influence, **92.15**  
Second degree, **135.08**  
Special statutory defenses  
    Generally, **19.01 et seq.**  
    Controlled substances, enhanced sentence, **50.60.01**

**DEFINITIONS**

Generally, **49B.01**  
Abduct, **39.30**  
Abuse of a supervisory position, **45.09**  
Access device, theft, **79.07**  
Accomplice, **10.51**  
Actor, **2.01**  
Actual physical control or motor vehicle, **92.11**  
Advances a sexually explicit act of a minor, **48.25**  
Advances commercial sexual abuse of a minor, **48.24**  
Advances prostitution, **48.11**  
Aggravated first degree murder, **30.01**  
Alcohol or THC concentration, driving or being in physical control while under the influence, **92.12**  
Animal, **135.25**  
Animal cruelty, **135.01**  
Animal cruelty in the second degree, **135.08**  
Appropriating lost or misdelivered property or services, theft, **79.05**  
Arson in first degree, **83.01**  
Arson in second degree, **83.05**  
Assault, **35.50**  
Assault in fourth degree, **35.25**  
Assault in second degree, **35.10**  
Assault in third degree, **35.20**  
Assault of a child, **35.34**  
Assault of a child in second degree, **35.36**  
Assault of child in third degree, **35.38**  
Attempt, **100.01**

## INDEX

### DEFINITIONS—Cont'd

Attended vehicle, hit and run, **97.03**  
Authorization, **52.19**  
Bail jumping, **120.40**  
Benefit, **2.02**  
Bigamy, **46.01**  
Bodily harm, **2.03**  
Bodily injury, **2.03**  
Bribe receiving by a witness, **115.40**  
Bribery, **115.01**  
Bribing a witness, **115.30**  
Building, **2.05, 88.01**  
Burglary in first degree, **60.01**  
Burglary in second degree, **60.03**  
Business day, **49C.15**  
By color or aid of deception, theft, **79.03**  
Carrying concealed weapon, **133.35**  
Child molestation in second degree, **44.22**  
Child molestation in third degree, **44.24**  
Circumstantial evidence, **5.01**  
Civic center, controlled substances, enhanced sentences, **50.67**  
Commercial sexual abuse of a minor, **48.20, 48.21, 48.27**  
Comparable offense, **92.28**  
Compounding, **120.20**  
Consent, rape, **45.04**  
Continuing criminal impulse, **2.28**  
Controlled substances homicide, **29.01**  
Conviction, **49C.12**  
Credit, unlawful issuance of bank checks, **79.10**  
Crime of violence, **133.51**  
Criminal negligence, **10.04**  
Criminal trespassing first degree, **60.15**  
Criminal trespass in second degree, **60.17**  
Current or prospective witness, intimidating a witness, **115.53**  
Custodial assault, **35.40**  
Damages, arson, **88.02**  
Damage to computer records or programs, malicious mischief, **88.04**  
Deadly weapon, **2.06 et seq.**  
Deception, theft, **79.04**  
Deliver, controlled substances, **50.07**  
Designated provider, **52.18**  
Developmentally disabled, **45.10**  
Direct evidence, **5.01**  
Disqualifying offense, **49C.09**  
Disregard for safety of others, vehicular homicide, **90.05**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**DEFINITIONS—Cont'd**

Drive-by shooting, **35.30**  
Driving or being in physical control while under the influence, **92.01**  
Drug paraphernalia, **50.35**  
Dwelling, **2.08**  
Enter, burglary, **65.03**  
Enters or remains unlawfully, burglary, **65.02**  
Escape, second degree, **120.30**  
Escape, third degree, **120.35**  
Escape from custody, **120.25**  
Escape from custody in first degree, **120.25**  
Escape from work release facility, **120.27**  
Escape in second degree, **120.30**  
Escape in third degree, **120.35**  
Excusable homicide, **15.01**  
Exerting an authorized control, theft, **79.02**  
Exhibiting effects of having consumed an illegal drug, negligent driving, **96.11**  
Exhibiting effects of having consumed liquor, negligent driving, **96.10**  
Extortion in first degree, **76.01**  
Extortion in second degree, **76.05**  
Failure to register as sex or kidnapping offender, **49C.01 et seq.**  
Failure to return to work release facility, **120.37**  
Falsely alter, **130.13**  
Falsely complete, **130.12**  
Falsely make, **130.11**  
False swearing, **118.10**  
Family or household member, **2.27**  
Feloniously enters a building, **40.03**  
Felony, **92.25**  
Felony murder, **26.04.01**  
Firearm or explosive, **2.06, 2.10, 2.10.01**  
First degree child molestation, **44.20**  
Follows, stalking, **36.22**  
Forcible compulsion, **45.03**  
Forged instrument, **130.14**  
Forgery, **130.01**  
Former witness, intimidating a witness, **115.54**  
For profit, controlled substances, **50.17**  
Government, **2.11**  
Governmental function, **2.12**  
Great bodily harm, **2.04, 35.03**  
Great personal injury, **2.04.01**  
Gross misdemeanor, **36.06**  
Harass, stalking, **36.23**  
Health care professional, **52.17**

## INDEX

### DEFINITIONS—Cont'd

Health care provider, **45.12**  
Hit and run, **97.01**  
Homicide, **25.01**  
Homicide by abuse, **29.03**  
Human immunodeficiency virus, **35.52**  
Identity theft, **131.01 et seq.**  
Ignition interlock device, **98.07**  
Illegal drug, negligent driving, **96.12**  
Incest descendant, **46.07**  
Incest in first degree, **46.03**  
Incest in second degree, **46.05**  
Indecent exposure, **47.01, 47.03**  
Indecent liberties, **49.01, 49.03, 49.05, 49.06**  
Indifference to human life, **26.05**  
Intent, **10.01, 10.01A**  
Intentionally, **10.01, 10.01A**  
Interference with reporting of domestic violence offense, **36.56**  
In the community, **49C.14**  
Intimidating a witness, **115.50**  
Justifiable deadly force in self-defense, **2.04.01**  
Justifiable homicide, **2.04.01, 16.01 et seq.**  
Kidnapping in first degree, **39.01**  
Kidnapping offender registration requirement, **49C.07**  
Kidnapping offense, **49C.11**  
Knowingly, **10.02**  
Knowledge, **10.02**  
Lawful arrest, **120.07**  
Lawful force, justifiable homicide, **16.06**  
Legend drugs, prescription, **55.01, 55.03, 55.05**  
Length of registration period, **49C.08**  
Luring, **39.40**  
Making false or misleading statement to public servant, **120.03**  
Making or having burglary tools, **60.10**  
Malice, **2.13**  
Malicious harassment, **36.01**  
Maliciously, **2.13**  
Malicious mischief, third degree, **85.10.01**  
Manslaughter in first degree, **28.01**  
Manslaughter in second degree, **28.05**  
Manufacture, controlled substances, **50.12**  
Marijuana plant, **52.20**  
Married, **45.06**  
Material statement, perjury, **118.17**  
Medical use of marijuana, **52.12**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**DEFINITIONS—Cont'd**

Mental incapacitated, **45.05**  
Mitigating circumstances, **31.07**  
Murder, **26.01**  
Murder in first degree  
    Generally, **26.01**  
    Felony murder, **26.03**  
Murder in second degree  
    Generally, **27.01**  
    Felony murder, **27.03**  
Necessary, justifiable homicide, **16.05**  
Negligence, negligent driving, **96.03**  
Negligent driving, **96.03**  
Oath, **118.15**  
Obscuring identity of machine, **78.01**  
Obstructing public servant, **120.01**  
Obtaining signature by deception or duress, **130.05**  
Officer, **2.14**  
Official proceeding, perjury, **118.16**  
Omission, **2.15**  
Operating motor vehicle after consuming alcohol or marijuana while under age  
    twenty-one, **92.04**  
Operating motor vehicle in reckless manner, **90.05**  
Ordinary negligence, vehicular homicide, **90.05**  
Owner, **135.15**  
Patronizing a prostitute, **48.09**  
Peace officer, **2.16**  
Pecuniary benefit, **2.17**  
Perjury in first degree, **118.01**  
Perjury in second degree, **118.05**  
Permitting prostitution, **48.07**  
Person, **2.18**  
Person with supervisory authority, **45.11**  
Physical damage, malicious mischief, **88.03**  
Physically helpless, **45.05**  
Possessing stolen firearm, **77.12**  
Possessing stolen motor vehicle, **77.20, 77.21**  
Possessing stolen property in first degree, **77.01 et seq.**  
Possessing stolen property in second degree, **77.05**  
Possessing stolen property in third degree, **77.10**  
Possession, controlled substances, **50.03**  
Possession of marijuana, **50.04.01 et seq.**  
Possession of stolen property, **77.30, 77.33, 77.35 et seq.**  
Premeditated, murder, **26.01.01**  
Premises, burglary, **65.01**



## INDEX

### DEFINITIONS—Cont'd

Price, controlled substances, **50.17**  
Primary caregiver, **52.11.02**  
Prior offense, **92.27**  
Prison, **2.19**  
Prisoner, **2.20**  
Profits from commercial sexual abuse of a minor, **48.28**  
Profits from prostitution, **48.11**  
Promoting commercial sexual abuse of a minor, **48.22**  
Promoting prostitution, **48.03**  
Property, **2.21**  
Prostitution, **48.01**  
Protective order, stalking, **36.26**  
Proximate cause, homicide, **25.02**  
Public housing project, controlled substances, enhanced sentences, **50.68**  
Public officer, **2.14**  
Public park, controlled substances, **50.65**  
Public servant, **2.22**  
Public transit vehicle, controlled substances, **50.66**  
Qualifying patient defense, **52.13**  
Quick child, **35.51**  
Racing, **95.04**  
Rape in first degree, **40.01**  
Rape in second degree, **41.01**  
Rape in third degree, **42.01**  
Rape of a child in first degree, **44.10**  
Rape of a child in second degree, **44.12**  
Rape of a child in third degree, **44.14**  
Receive, theft, **79.09**  
Receiving or granting unlawful compensation, **115.15**  
Receiving unlawful compensation, **115.16**  
Reckless burning in first degree, **83.01**  
Reckless burning in second degree, **83.05**  
Reckless driving, **95.01**  
Reckless endangerment, **35.32**  
Reckless endangerment, first degree, **35.30.01**  
Reckless manner, vehicular homicide, **90.05**  
Recklessness, **10.03**  
Recognition card, **52.16**  
Refusal to provide DNA as sex or kidnapping offender, **49C.20**  
Relative, **39.32**  
Rendering criminal assistance, **120.10, 120.12, 120.16**  
Rendering criminal assistance in first degree, **120.10**  
Rendering criminal assistance in second degree, **120.11.01**  
Rendering criminal assistance in third degree, **120.12**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**DEFINITIONS—Cont'd**

Repeatedly, stalking, **36.24**  
Requesting unlawful compensation, **115.10**  
Residence, **49C.13**  
Residential burglary, **60.02.01**  
Resisting arrest, **120.05**  
Restrain, **39.31**  
Robbery, **37.50**  
Robbery in first degree, **37.01**  
Robbery in second degree, **37.03**  
Sale, controlled substances, **50.17**  
School, **50.62**  
School bus route stop, controlled substances, **50.64**  
Sentence enhancement, **2.07-2.07.02**  
Services, theft, **79.06**  
Sex offender registration requirement, **49C.06**  
Sex offense, **49C.10**  
Sexual conduct, prostitution, **48.12**  
Sexual conduct or contact, **135.02**  
Sexual conduct with animal, **135.03**  
Sexual contact, **45.07**  
Sexual intercourse, **45.01**  
Sexually explicit act, definition, **48.26**  
Sexual misconduct with a minor in first degree, **44.30**  
Sexual misconduct with a minor in second degree, **44.32**  
Sexual motivation, **2.26**  
Sexual orientation, **36.01.01**  
Signature, **2.23**  
Significant relationship, **45.08**  
Sixty-day supply, **52.15**  
Special verdict, **2.07-2.07.02, 2.07 et seq.**  
Stalking, **36.20**  
Statutory rape in first degree, **44.01**  
Statutory rape in second degree, **44.03**  
Stolen, **79.08**  
Stop shelter, controlled substances, **50.66**  
Substantial bodily harm, **2.03.01**  
Substantial step  
    Attempt, **100.05**  
    Criminal conspiracy, **110.03**  
Taking motor vehicle without permission, **74.01**  
Tampering with a witness, **115.80**  
Terminal or debilitating condition, **52.14**  
Theft  
    Generally, **79.01**

## INDEX

### DEFINITIONS—Cont'd

#### Theft—Cont'd

First degree, **70.01**

Livestock in first degree, **75.01, 75.05**

Livestock in second degree, **75.03**

Second degree, **70.05**

Third degree, **70.10**

Weapons, **70.12**

#### Threat

Generally, **2.24**

Intimidating a witness, **115.52**

Threatening to bomb or injure property, **86.01**

Transit authority, controlled substances, **50.66**

Treatment, **45.13**

Unattended vehicle, hit and run, **97.05**

Under the influence of or effected by of intoxicating liquor or marijuana or drugs, **92.10**

Unlawful issuance of bank check, **73.01, 73.03**

Value, **79.20**

#### Vehicle

Drug, **98.03**

Nontraffic cases, **2.25**

Traffic cases, **98.01, 98.02**

#### Vehicle prowling

First degree, **61.01**

Second degree, **61.02.01, 61.03**

#### Vehicular assault, **91.01**

Violation of domestic violence no-contact order, **36.50**

Violation of domestic violence protection order, **36.52**

Wanton, reckless driving, **95.10**

Willful, reckless driving, **95.10**

#### Willfully

Generally, **10.4**

Escape, **120.39**

Obstructing law enforcement officer, **120.02.01**

Without lawful authority, stalking, **36.27**

Written instrument, **130.10**

Wrongfully obtained, theft, **79.02**

### DELAY

Obstructing public servant, **120.01, 120.02**

### DELIBERATE CRUELTY

Aggravating circumstances, **300.10**

### DELIBERATIONS

Jury and Jury Trial, this index

PATTERN JURY INSTRUCTIONS—CRIMINAL

**DELIVERY**

Controlled Substances, this index  
Legend Drugs, this index  
Unlawful delivery of pistol, **133.06, 133.07**

**DEPOSITORIES**

Unlawful issuance of a bank check, **73.01 et seq.**

**DESIGNATED PROVIDER**

Defined, **52.18**

**DESIGNATED PROVIDER DEFENSE**

Medical marijuana, **52.11**

**DESTRUCTION OF PROPERTY**

Hate crimes, physical harm to or destruction of property, elements, **36.94**  
Malicious harassment, physical harm or destruction of property, **36.04**

**DETAINERS**

Fugitives, Extradition and Detainers, this index

**DETENTION**

Generally, **17.03**  
Justifiable homicide, **16.06**  
Lawful force  
    Generally, **17.03**  
    Justifiable homicide, **16.06**  
    Resisting, **17.02.01**  
Resisting, **17.02.01**

**DETENTION FACILITIES**

Custodial assault, **35.40 et seq.**  
Defined, **120.51**  
First degree  
    Defined, **120.25**  
    Escape from custody, **120.26**

**DEVELOPMENTALLY DISABLED PERSONS**

Instructions to Jury, this index

**DIMINISHED CAPACITY**

Defenses, **18.20**

**DISCRIMINATION**

Malicious harassment, **36.01 et seq.**

**DISCUSSION BY JURY**

Completion of trial, jury's discussion of case, **4.75**

**DISORDERLY CONDUCT**

Generally, **126.10**

## INDEX

### **DISORDERLY CONDUCT—Cont'd**

- Elements, **126.11 et seq.**
- Funeral or burial, disorderly conduct not involving, **126.11.01**
- Instructions to jury, **126.11 et seq.**

### **DISQUALIFYING OFFENSE**

- Failure to register as sex or kidnapping offender, **49C.09**

### **DISREGARD FOR SAFETY OF OTHERS**

- Defined, vehicular homicide, **90.05**

### **DOCTORS**

- Physicians and Surgeons, this index

### **DOCUMENTS**

- Written instrument, defined, forgery, **130.10**

### **DOMESTIC VIOLENCE ORDER**

- No-contact order, elements of violation of domestic violence, **36.51**
- Protection order, elements of violation of domestic violence, **36.53**

### **DRAFTS**

- Unlawful issuance of a bank check, **73.01 et seq.**

### **DRIVE-BY SHOOTING**

- Definition, **35.30**
- Elements, **35.31**

### **DRIVERS LICENSES**

- Driving while license suspended or revoked, **93.01 et seq.**

### **DRIVING**

- Reckless Driving, this index

### **DRIVING OR BEING IN PHYSICAL CONTROL WHILE UNDER THE INFLUENCE**

- Generally, **92.01 et seq.**, **92.25-92.28**
- Comparable offense, defined, **92.28**
- Elements, **92.02**
- Felony, **92.25 et seq.**
- Prior offense, defined, **92.27**
- Special verdict form, sentencing, **92.03**

### **DRIVING THE WRONG WAY**

- Aggravating circumstances, **300.37**

### **DRIVING WHILE INTOXICATED**

- Driving or being in physical control while under the influence, **92.01 et seq.**

### **DRIVING WHILE LICENSE SUSPENDED OR REVOKED**

- Generally, **93.01 et seq.**
- Administrative suspension, **93.07**

**DRIVING WHILE LICENSE SUSPENDED OR REVOKED—Cont'd**

- Conviction, **93.07.01**
- Definitions, **93.01 et seq.**
- Elements, **93.02 et seq.**
- First degree, **93.01 et seq.**
- Hit and run, **97.10**
- Second degree, **93.03 et seq.**
- Special verdict form, **93.05, 93.08**
- Third degree, **93.06 et seq.**

**DRUG ABUSE**

- Controlled substances homicide
  - Generally, **29.01**
  - Elements, **29.02**

**DRUGS AND NARCOTICS**

- Generally, **50.01 et seq.**
- Civic center, enhanced sentences, **50.67**
- County jail or state correctional facility, **50.70-50.73**
- Defenses
  - Generally, **52.01 et seq.**
  - Enhanced sentence, **50.60 et seq.**
- Definition, state list, **50.50**
- Delivery
  - Generally, **50.05**
  - Authorization by law, defenses, **52.03**
  - Definitions, **50.07**
  - Elements, **50.06**
  - Legend drugs, **55.04**
  - Material in lieu of controlled substance
    - Generally, **50.20**
    - Elements, **50.21**
  - Person under the age of 18, delivery to, **50.82**
- Elements
  - Delivery, **50.06**
  - Homicide, **29.02**
  - Manufacture, **50.11**
  - Possession, **50.02**
  - Possession with intent to manufacture or deliver, **50.14**
  - Sale, **50.16**
- Enhanced sentences, **50.60 et seq.**
- Homicide, this index
- Intent to manufacture or deliver, **50.13, 50.14**
- Legend Drugs, this index
- Manufacture
  - Generally, **50.10 et seq.**

## INDEX

### **DRUGS AND NARCOTICS—Cont'd**

Manufacture—Cont'd

Authorization by law, defenses, **52.03**

Material in lieu of controlled substance, delivery

Generally, **50.20**

Elements, **50.21**

Paraphernalia, use of drug, **50.30, 50.31, 50.35**

Possession

Defined, **50.01, 50.03**

Elements, **50.02**

Possession with intent to manufacture or deliver, **50.14**

Unwitting possession, **52.01**

Prescriptions, this index

Public housing project, definition, **50.68**

Public parks, **50.65**

Public transit vehicle, defined, **50.66**

Retail marijuana product sales to person under the age of 21, **50.18**

Sales

Generally, **50.15 et seq.**

Authorization by law, defenses, **52.03**

Retail marijuana product sales to person under the age of 21, **50.18, 50.19**

School buses and school bus route stop, **50.64**

Schools and school districts, enhanced sentences, **50.62**

Special verdict, enhanced sentence, **50.61**

Transit authorities, enhanced sentences, **50.66**

21 years or older, possession of marijuana, **50.04 et seq.**

Under 21 years old, possession of marijuana, **50.04.02 et seq.**

Unwitting possession, **52.01**

### **DURESS OR COERCION**

Defenses, **18.01**

Human trafficking, **39A.13**

Involuntary servitude, **39A.08**

### **DWELLINGS**

Instructions to Jury, this index

### **EGREGIOUS LACK OF REMORSE**

Aggravating circumstances, **300.26**

### **ELDER ADULTS**

Defined, **45.14**

### **ELECTRONIC COMMUNICATION**

Cyberstalking, this index

Defined, **36.86**

**ELECTRONIC MONITORING**

Defined, **120.42**

**EMBRACING**

Reckless driving, inference, **95.05**

**EMPLOYEES**

Officers and Employees, this index

**ENHANCED PENALTIES**

Special verdict, violation of court order, enhanced penalties, **36.55**

Violation of domestic violence protection order, concluding instruction, special verdict, **36.54**

**ENHANCED SENTENCE**

Child on premises, **50.80, 50.81**

Controlled substances, **50.60 et seq.**

Harassment, **36.08**

**ENTER**

Defined, burglary, **65.03**

**ENTERS OR REMAINS UNLAWFULLY**

Burglary, inferences, intent, **60.05**

Defined, burglary, **65.02**

**ENTRAPMENT**

Defenses, **18.05**

**EQUIPMENT OR MACHINERY**

Criminal possession of leased or rented machinery, equipment or motor vehicles, **70.20 et seq.**

Obscuring identity of machine

Generally, **78.01**

Elements, **78.02**

**ESCAPE**

Custody, defined, **120.50**

Detention facilities, defined, **120.51**

Elements

Escape from work release facility, first degree, **120.28**

First degree escape from custody, **120.26**

Second degree, **120.31**

Third degree, **120.36**

First degree

Custody, elements of escape from, **120.26**

Defined, **120.25**

Work release facility, escape from, **120.27, 120.28**

Second degree, **120.30, 120.31**

Third degree, **120.35, 120.36**



## INDEX

### **ESCAPE—Cont'd**

Uncontrollable circumstances defense, **19.16**

### **EVIDENCE**

Generally, **5.01 et seq.**

Burden of proof. Presumptions and Burden of Proof, this index

Circumstantial evidence, **5.01**

Definitions, **5.01**

Direct evidence, **5.01**

False evidence

Defendant, **5.10**

Third person, **5.11**

False swearing, proof, requirements, **118.12**

Flight, **6.21**

Impeachment, evidence of prior convictions, **4.64**

Introductory instructions

Generally, **1.02**

Capital punishment, **31.03**

Limited purpose, **4.64.01, 5.30**

Perjury, proof, requirements, **118.12**

Presumptions and Burden of Proof, this index

Prior convictions

Generally, **4.64**

Impeachment, witnesses, **5.06**

Prior sex offense, **5.40**

Rehearing of testimony by jury, cautionary instruction, **4.74**

Stipulation as to admission of evidence, **4.76**

Suppression

Defendant, **5.10**

Third persons, **5.11**

Unlawful issuance of bank check, intent, **73.10**

View of site, **4.51**

Weight of Evidence, this index

Witnesses, this index

### **EXCESSIVE SPEED**

Reckless driving, inference, **95.03, 95.04**

### **EXCUSE**

Alternate jurors, temporary excuse, **4.69.01**

Excusable homicide, **15.01**

### **EXERTING UNAUTHORIZED CONTROL**

Defined, theft, **79.02**

### **EXHIBITING EFFECTS OF HAVING CONSUMED AN ILLEGAL DRUG**

Defined, negligent driving, **96.11**

**EXHIBITING EFFECTS OF HAVING CONSUMED LIQUOR**

Defined, negligent driving, **96.10**

**EXHIBITS**

Illustrative purposes, admission for, **4.72**

**EXPERT WITNESSES**

Generally, **6.51**

**EXTORTION**

Generally, **76.01 et seq.**

Defenses, second degree, **19.09**

Elements

First degree, **76.02**

Second degree, **76.06**

First degree

Generally, **76.01**

Elements, **76.02**

Second degree, **76.05, 76.06**

**EXTRADITION**

Fugitives, Extradition and Detainers, this index

**EYEWITNESS TESTIMONY**

Identity and identification, **6.52**

**FACILITY FOR PERSONS WITH A CHEMICAL DEPENDENCY**

Defined, **45.16**

**FACILITY FOR PERSONS WITH MENTAL DISORDER**

Defined, **45.15**

**FAILURE TO DISPERSE**

Generally, **126.05**

Elements, **126.06**

**FAILURE TO PROVIDE NECESSITIES**

Animal cruelty, **135.11**

**FAILURE TO REGISTER AS SEX OR KIDNAPPING OFFENDER**

Generally, **49C.00 et seq.**

Business day, **49C.15**

Class B felony, **49C.03**

Class C felony, **49C.04**

Conviction, defined, **49C.12**

Definitions, **49C.01 et seq.**

Disqualifying offense, **49C.09**

Elements, **49C.02 et seq.**

In the community, defined, **49C.14**

Kidnapping offender registration requirement, **49C.07**

## INDEX

### **FAILURE TO REGISTER AS SEX OR KIDNAPPING OFFENDER—Cont'd**

- Kidnapping offense, **49C.11**
- Length of registration period, **49C.08**
- Refusal to provide DNA sample, **49C.20, 49C.21**
- Registration requirements, **49C.05 et seq.**
- Residence, defined, **49C.13**
- Sex offense, defined, **49C.10**
- Special verdict form, Class B felony, **49C.03**

### **FAILURE TO RETURN TO WORK RELEASE FACILITY**

- Elements, **120.38**

### **FALSE EVIDENCE**

- Evidence, this index

### **FALSE REPORTING**

- Elements, **126.16**
- Public disturbance, **126.15**

### **FALSE STATEMENTS**

- Making False or Misleading Statement to Public Servant, this index

### **FALSE SWEARING**

- Generally, **118.10**
- Elements, **118.11**
- Perjury, this index
- Proof, requirements, **118.12**
- Retraction, **118.20**
- Statement of what one does not know to be true, **118.21**

### **FAMILY AND RELATIVES**

- Custodial Interference, this index
- Family or household member, defined, **2.27**
- Rendering criminal assistance, special verdict, **120.14**
- Special verdicts, **190.11**

### **FEAR**

- Malicious harassment, threat of harm to person or property, **36.03**
- Robbery, first degree, **37.02**

### **FELONIES**

- Assault and Battery, this index
- Child Molestation, this index
- Designation, **2.09**
- Harassment, this index
- Justifiable homicide, resistance to felony, **16.03**
- Murder, this index
- Riots, **126.02**
- Unlawful issuance of bank check, **73.01, 73.02**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**FELONIES—Cont'd**

Unlawful ownership or possession of pistol or short firearm, **133.01, 133.02**

**FELONY MURDER**

Defined, **26.04.01**

**FIGHTING**

Animal Fighting, this index

**FINANCIAL ASSISTANCE**

Public assistance fraud, **70.15 et seq.**

**FINANCIAL INABILITY**

Criminal mistreatment defense, **19.14**

**FINANCIAL INFORMATION**

Identity theft, **131.10**

**FINANCIAL INSTITUTIONS**

Banks, this index

**FIREARMS**

Weapons and Firearms, this index

**FIREFIGHTERS**

Assault, third degree, elements, **35.23.01**

Danger, arson, first degree, element, **80.02**

**FIRES**

Arson, this index

**FIRST DEGREE ARSON**

Arson, this index

**FIRST DEGREE ASSAULT**

Generally, **35.01 et seq.**

**FIRST DEGREE BURGLARY**

Burglary, this index

**FIRST DEGREE CHILD MOLESTATION**

Child Molestation, this index

**FIRST DEGREE CUSTODIAL INTERFERENCE**

Generally, **39.20 et seq.**

**FIRST DEGREE EXTORTION**

Extortion, this index

**FIRST DEGREE KIDNAPPING**

Kidnapping, this index

**FIRST DEGREE MURDER**

Aggravated first degree murder, **30.00 et seq.**

## INDEX

### **FIRST DEGREE PERJURY**

Perjury, this index

### **FIRST DEGREE POSSESSION OF STOLEN PROPERTY**

Possession of Stolen Property, this index

### **FIRST DEGREE RAPE**

Generally, **40.01 et seq.**

### **FIRST DEGREE RAPE OF A CHILD**

Rape of a Child, this index

### **FIRST DEGREE RECKLESS ENDANGERMENT**

Generally, **35.30 et seq.**

### **FIRST DEGREE RENDERING CRIMINAL ASSISTANCE**

Rendering Criminal Assistance, this index

### **FIRST DEGREE ROBBERY**

Elements, **37.02**

### **FIRST DEGREE SEXUAL MISCONDUCT WITH A MINOR**

Sexual Conduct with a Minor, this index

### **FIRST DEGREE STATUTORY RAPE**

Generally, **44.01, 44.02**

### **FIRST DEGREE THEFT**

Theft, this index

### **FIRST DEGREE THEFT OF LIVESTOCK**

Livestock, this index

### **FLIGHT**

Fugitives, Extradition and Detainers, this index

### **FOLLOWS**

Defined, stalking, **36.22**

### **FORCE**

Forcible compulsion, defined, **45.03**

Necessary force, **16.05**

Promoting prostitution, first degree, **48.04**

### **FORCIBLE COMPULSION**

Custodial sexual misconduct, **19.04.05**

Defined, rape, **45.03**

Indecent liberties, **49.02**

### **FORFEITURES AND PENALTIES**

Enhanced Penalties, this index

PATTERN JURY INSTRUCTIONS—CRIMINAL

**FORGERY**

Generally, **130.01 et seq.**  
Defined, **130.01**  
Elements, **130.02, 130.03**  
Falsely alter, **130.13**  
Falsely complete, **130.12**  
Falsely make, **130.11**  
Forged instrument, defined, **130.14**  
Possessing, offering or disposing, **130.03**

**FORMER WITNESS**

Defined, intimidating a witness, **115.54**

**FOSTER PARENTS**

First degree sexual misconduct with a minor, causing sexual intercourse between minors, **44.31.05**  
Sexual misconduct, **44.33.02, 44.33.05**

**FOURTH DEGREE ASSAULT**

Defined, **35.25**  
Elements, **35.26**  
Gross misdemeanor, **35.25**  
July 23, 2017 and before March 18, 2020, crime committed after, **35.26.01**  
July 23, 2017 and before March 18, 2020, crime committed after, definition, **35.25.01, 35.25.03**  
March 18, 2020, crime committed after, **35.26.02**  
March 18, 2020, crime committed after, definition, **35.25.02**

**FRAIL ADULTS**

Defined, **45.14**

**FRAUD**

Public assistance fraud, theft, **70.15 et seq.**

**FUGITIVES, EXTRADITION AND DETAINERS**

Escape, this index

**FUNERAL OR BURIAL**

Disorderly conduct not involving, **126.11.01**

**FUTURE DANGEROUSNESS**

Aggravating circumstances, **300.24**

**GANG MEMBERSHIP**

Aggravating circumstances, **300.36**

**GENDER EXPRESSION OR IDENTITY**

Hate crimes, **36.91.01**

## INDEX

### **GOOD FAITH**

- Communication with a minor for immoral purposes, inquiry into age, defenses, **19.04.03**
- Justifiable homicide, danger, belief, **16.07**
- Lawful force, danger, belief, charges other than homicide, **17.04**

### **GOOD SAMARITAN**

- Aggravating circumstances, **300.32**

### **GOVERNMENT**

- Defined, **2.11**
- Governmental function, defined, **2.12**
- Obstructing governmental operation, **120.01 et seq.**

### **GOVERNMENTAL FUNCTIONS**

- Defined, **2.12**
- Obstructing governmental operation, **120.01 et seq.**

### **GREAT BODILY HARM**

- Assault
  - Assault of child
    - First degree, elements, **35.35.02**
    - Reckless infliction, elements, **35.35.02**
  - First degree
    - Generally, **35.03**
    - Alternate means, **35.07, 35.08**
- Defined, **2.04**
- Elements, **35.04**

### **GREAT PERSONAL INJURY**

- Defined, **2.04.01**

### **GROSS MISDEMEANOR**

- Assault, fourth degree, **35.25**
- Communication with a minor for immoral purposes, defined, **47.07, 47.08**
- Defined, **36.06**
- Elements, second degree, **61.04**
- Harassment, **36.07**
- Riots, **126.03**
- Unlawful issuance of bank check, **73.03, 73.04**

### **GUARDIAN AND WARD**

- Custodial interference, **39.20 et seq.**

### **HANDICAPPED PERSONS**

- Definitions, rape, **45.05**
- Rape, second degree
  - Generally, **41.01, 41.02**
  - Defenses, belief of defendant, second degree or indecent liberties, **19.03**

**HARASS**

Defined, **36.23**

**HARASSMENT**

Generally, **36.06 et seq.**

Concluding instruction, enhanced sentence, **36.08**

Criminal justice participant, **36.07.05, 36.07.06**

Defined, **36.06**

Elements, **36.07**

Enhanced sentence, **36.08, 36.09**

Felony

Defined, **36.07.01**

Previous conviction, elements, **36.07.03**

Threat to kill, elements, **36.07.02**

Gross misdemeanor, **36.06, 36.07**

Malicious Harassment, this index

Previous felony conviction, elements, **36.07.03**

Special verdict, enhanced sentence, **36.09**

Telephone Harassment, this index

Threat to kill, elements, **36.07.02**

**HATE CRIMES**

Generally, **36.91-36.95.01**

Defined, **36.91**

Mistaken belief, **36.95.01**

Physical harm to or destruction of property, elements, **36.94**

Physical injury, elements, **36.92**

Property, elements of threat of harm to person or property, **36.93**

Reasonable fear, defined, **36.93.01**

Sexual orientation, gender expression or identity, defined, **36.91.01**

Threat of harm

Inference, **36.95**

Limitation, **36.93.02**

**HEALTH CARE OR RESEARCH**

Aggravating circumstances, **300.20**

**HEALTH CARE PROFESSIONAL**

Defined, **52.17**

**HEALTH CARE PROVIDER**

Assault, **35.23.04**

Defined, **45.12**

Indecent liberties, **19.03.02**

**HELPLESS PERSONS**

Rape and indecent liberties, defenses, **19.03**



## INDEX

### **HINDERING**

Obstructing public servant, **120.01, 120.02**

### **HIT AND RUN**

Generally, **97.01 et seq.**

Attended vehicle, **97.03**

Elements, **97.04**

Defined, **97.01**

Elements

Attended vehicle, **97.04**

Injury or death, **97.02**

Unattended vehicle, **97.06**

Injury or death

Generally, **97.01**

Elements, **97.02**

License suspended or revoked, **97.10**

Other property, **97.07 et seq.**

Reporting exception, **97.02.01**

Unattended vehicle

Generally, **97.05**

Elements, **97.06**

Unattended vehicle, element, **97.06**

### **HOMELESS PERSONS**

Aggravating circumstances, crimes against the homeless, **300.39**

### **HOMICIDE**

Generally, **25.01 et seq.**

Abuse, homicide by

Generally, **29.03**

Elements, **29.04**

Conduct of another, proximate cause, **25.03**

Controlled substances homicide

Generally, **29.01**

Elements, **29.02**

Defined, **25.01**

Excusable homicide, **15.01**

Justifiable homicide, **16.01 et seq.**

Murder, this index

Proximate cause

Generally, **25.02**

Conduct of another, **25.03**

Vehicular homicide, **90.01 et seq.**

### **HORSES**

Theft of livestock, **75.01 et seq.**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**HUMAN IMMUNODEFICIENCY VIRUS (HIV)**

- Assault, second degree
  - Generally, **35.15**
  - Administration, **35.15**
- Defined, **35.52**

**HUMAN TRAFFICKING**

- Generally, **39A.00 et seq.**
- Aggravating circumstances, minor victim of trafficking, **300.21**
- Coercion, **39A.13**
- Commercial sex act, **39A.11**
- Definition of trafficking, **39A.005**
- First degree, **39A.01, 39A.02**
- Forced labor, **39A.09**
- Involuntary servitude, **39A.08**
- Second degree, **39A.03, 39A.04**
- Serious harm, **39A.12**
- Sexually explicit act, **39A.10**

**IDENTITY AND IDENTIFICATION**

- Eyewitness identification testimony, **6.52**
- Obscuring identity of machine, **78.01, 78.02**
- Theft of identity. Identity Theft, this index
- Written instrument, defined, forgery, **130.10**

**IDENTITY THEFT**

- Generally, **131.00 et seq.**
- Definitions, **131.01 et seq.**
- Elements, **131.02 et seq.**
- Financial information, **131.10**
- First degree, **131.02, 133.01**
- Means of identification, **131.11**
- Second degree, **131.05, 131.06**
- Senior citizens, **131.01.01**
- Vulnerable individuals, **131.01.02**

**IGNITION INTERLOCK**

- Generally, **99.01-99.07**
- Assisting restricted driver, circumvention by, **99.06.01**
- Circumventing, **99.05, 99.06**
- Operating without, **99.01, 99.02**
- Restricted driver, circumvention by, **99.06**

**ILLEGAL DRUG**

- Defined, negligent driving, **96.12**

**IMPAIRED DRIVING**

- Driving or being in physical control while under influence, **92.25-92.28**

## INDEX

### **IMPAIRED DRIVING—Cont'd**

Minor child in vehicle, **190.15**

### **IMPEACHMENT**

Defendants, prior conviction, **5.05**

Evidence of prior conviction, **4.64**

Prior convictions, **5.05, 5.06**

Witnesses, prior convictions, **5.06**

### **IMPRISONMENT**

Unlawful Imprisonment, this index

### **INCAPACITATED PERSONS**

Custodial interference, **39.20 et seq.**

Definitions, rape, **45.05**

Rape and indecent liberties, defenses, **19.03**

### **INCARCERATION**

Prisons and Prisoners, this index

### **INCEST**

Descendant, **46.07**

Elements, first degree, **46.04**

First degree

Generally, **46.2**

Elements, **46.04**

Second degree, **46.05, 46.06**

### **INCOMPETENT PERSONS**

See also Capacity or Incapacity

Unlawful possession of firearm, authorized to own or possess, **133.02.09**

### **INDECENT EXPOSURE**

Generally, **47.01 et seq.**

Elements, **47.02, 47.04**

### **INDECENT LIBERTIES**

Generally, **49.01 et seq.**

Defenses, **19.03, 19.03.01**

Elements, **49.02, 49.04**

Health care provider, **19.03.02**

Before July 1, 1988, **49.03-49.05**

### **INDIFFERENCE TO HUMAN LIFE**

Homicide by abuse, **29.04**

Murder, first degree

Generally, **26.05**

Elements, **26.06**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INFERENCES**

- Attempting to elude pursuing police vehicle, **94.03, 94.04**
- Burglary, entering or remaining unlawfully, intent, **60.05**
- Circumstantial evidence, **5.01**
- Defendants, failure to testify, **6.31**
- Failure to produce witness, **5.20**
- Hate crimes, inference, **36.95**
- Reckless Driving, this index
- Stalking, intent to intimidate or harass, inference, **36.25**

**INFORMATION AND INDICTMENT**

- Charging information, **1.03**

**INSANITY**

- Generally, **20.01 et seq.**
- Burden of proof
  - Generally, **20.02**
  - Special verdict, **20.08**
- Definitions, **20.01**
- Involuntary treatment, special verdict form, **190.05**
- Irresistible impulse, **20.05**
- Order of consideration, **20.03**
- Presumptions. Burden of proof, above
- Recovery, time of trial, **20.07**
- Special verdict
  - Burden of proof, **20.08**
  - Form, **190.03**
- Verdict
  - Commission of crime, order of consideration, **20.03**
  - Form A, insanity plea, **20.09**
  - Special verdict, above
- Voluntarily act, **20.04**

**INSTRUCTIONS TO JURY**

- Generally, **1.01 et seq., 4.60-4.79**
- Abandonment of dependent persons
  - Criminal mistreatment, **38.10 et seq.**
  - Termination of services defense, **19.15**
- Abduct, defined, **39.30**
- Abuse and neglect, homicide by abuse
  - Generally, **29.03**
  - Elements, **29.04**
- Access device
  - Defined, theft, **79.07**
  - Possessing stolen access devices, presumption, **77.15**
  - Theft, access device or public record, **70.06.01**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

- Accidents, hit and run, **97.01 et seq.**
- Accomplices
  - Aggravating Circumstances, this index
  - Defined, **10.51**
  - Testimony, **6.05**
- Acquired immunodeficiency syndrome (aids), assault, second degree
  - Administration, **35.15**
- Actions and remedies
  - Damages, this index
  - Death and Death Actions, this index
  - Extortion, second degree, **76.06**
  - Official proceeding, defined, **118.16**
- Actor, defined, **2.01**
- Acts, intentions, presumptions, natural consequences of, **6.25**
- Additional instructions, generally, **4.68**
- Admonitions
  - Before each recess, **4.61**
  - Before visiting site, **4.71**
  - Jurors taking notes, **4.62, 4.63**
- Advanced prostitution, generally, **48.11**
- Advance oral instructions
  - Generally, **1.01**
  - Aggravating circumstances, stand-alone sentencing procedure, **300.03, 300.05**
  - Capital Punishment, this index
- Age, indecent exposure, victim
  - Under fourteen years, **47.03, 47.04**
  - Fourteen years or older, **47.01, 47.02**
- Aggravated first degree murder, generally, **30.00 et seq.**
- Aggravated negligence, disregard for safety of others, vehicular homicide, **90.05**
- Aggravating circumstances
  - Capital punishment, advance oral instructions, **31.02**
  - Voir dire, **31.01**
  - Murder, aggravated first degree, **30.03**
- Aggressors
  - Defense of others, justifiable homicide, **16.04.01**
  - Self-defense, justifiable homicide, **16.04**
- AIDS (acquired immunodeficiency syndrome), assault, second degree, **35.15**
- Alcohol or THC concentration, defined, driving or being in physical control while under the influence, **92.12**
- Alibis, **18.15**
- Alternate jurors
  - Discharge, **4.69**
  - Reconstituted jury after beginning of deliberations, **4.69.02**
  - Temporary excuse, **4.69.01**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Animals, theft of livestock, **75.01 et seq.**

Appearance, bail jumping, **120.40, 120.41**

Appropriating lost or misdelivered property or services, defined, theft, **79.05**

Arrest

Assault, third degree, resistance, **35.2**

Elements, **35.21**

Resisting arrest, **120.05**

Elements, **120.06**

Arson and related offenses

Generally, **80.01 et seq.**

Definitions, **88.01 et seq.**

Elements

First degree, **80.02**

Second degree, **80.06**

First degree

Generally, **80.01**

Elements, **80.02**

Manifestly dangerous, defined, **88.05**

Reckless burning

Generally, **83.01 et seq.**

Defenses, **19.05**

Definitions, **88.01, 88.02**

Elements

First degree, **83.02**

Second degree, **83.06**

First degree

Generally, **83.01**

Elements, **83.02**

Second degree

Generally, **83.05**

Elements, **83.06**

Second degree

Generally, **80.05**

Elements, **80.06**

Assault and battery

Generally, **35.01 et seq.**

Children and minors. Assault of child, below

Court personnel, **35.23.05**

Courtrooms, elements, **35.23.051**

Custodial Assault, this index

Deadly weapon

Alternate means, **35.07, 35.08**

First degree

Generally, **35.01**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

- Assault and battery—Cont'd
  - Deadly weapon—Cont'd
    - First degree—Cont'd
      - Elements, **35.02**
    - Second degree
      - Alternate means, elements
        - Generally, **35.12, 35.13**
      - Deadly weapon or intent to commit felony, **35.16**
      - Elements, **35.19**
  - Defined, **35.50**
  - Elements
    - First degree
      - Generally, **35.02**
      - Deadly weapon or great bodily harm, alternate means, **35.08**
      - Great bodily harm, **35.04**
      - Poison, **35.06**
    - Fourth degree, **35.26**
    - Second degree
      - Generally, **35.12, 35.13**
      - Deadly weapon or intent to commit felony, alternate means, **35.16**
      - Intent to commit felony, **35.11**
      - Torture, **35.18**
      - Unborn children, **35.17**
    - Third degree
      - Generally, **35.21 et seq.**
      - Court process or arrest, **35.21**
      - Transit operators, **35.23**
  - First degree, **35.01 et seq.**
  - Fourth degree
    - Elements, **35.26**
    - Gross misdemeanor, **35.25**
  - Great bodily harm, alternate means, **35.07, 35.08**
  - Health care provider, **35.23.04**
  - Law enforcement officer, **35.23.06**
- Poison
  - First degree
    - Generally, **35.05**
    - Elements, **35.06**
  - HIV, **35.05, 35.06**
  - Second degree, elements, **35.14**
- Second degree, **35.10 et seq.**
- Special verdict, law enforcement officer, **35.23.06**
- Strangulation, defined, **35.53**

**INSTRUCTIONS TO JURY—Cont'd**

Assault and battery—Cont'd

Substantial bodily harm

Assault of child, first degree, elements, **35.35.03**

Defined, **2.03.01**

Second degree, elements, **35.12, 35.13**

Suffering, third degree, elements, **35.24**

Suffocation, **35.54**

Third degree, **35.20 et seq.**

Torture, second degree, elements, **35.18**

Vehicular assault, **91.01 et seq.**

Assault of a child

First degree, **35.34 et seq.**

Second degree, **35.36 et seq.**

Third degree, **35.38, 35.39**

Assistance, public assistance fraud, **70.15 et seq.**

Attempt

Generally, **100.01 et seq.**

Concluding instructions, **155.00**

Elements, **100.02**

General verdict form, **180.05**

Bail jumping

Generally, **120.40, 120.41**

Defense, uncontrollable circumstances, **19.17**

Banks and banking

Robbery, **37.51**

Unlawful issuance of a bank check, **73.01 et seq.**

Benefit, defined, **2.02**

Bias or prejudice

Capital punishment

Advance oral instructions, voir dire, **31.01**

Introductory instructions, **31.03**

Credibility of witnesses and weight of testimony, **6.01**

Defendants, failure to testify, **6.31**

Malicious harassment, minorities, **36.01 et seq.**

Bigamy

Generally, **46.01**

Defenses, **19.10**

Elements, **46.02**

Blood test, evaluation, **92.16**

Bodily harm or injury

Aggravating circumstances, **300.34**

Assault of a child, second degree, elements, **35.37.02**

Defined, **2.03**

Extortion, first degree, element, **76.02**



## INDEX

### INSTRUCTIONS TO JURY—Cont'd

- Bodily harm or injury—Cont'd
  - Hate crimes, elements, **36.92**
  - Hit and run, **97.01 et seq.**
  - Kidnapping, first degree, **39.01**
  - Malicious harassment, elements, **36.02**
  - Robbery, first degree, **37.01, 37.02**
- Breath test
  - Evaluation, **92.16**
  - Refusal, **92.13**
- Bribe receiving by a witness
  - Defined, **115.40**
  - Elements, **115.41**
- Bribery
  - Generally, **115.01 et seq.**
  - Public servant, requesting or accepting, **115.03**
- Bribing a witness
  - Defined, **115.30**
  - Elements, **115.31**
- Buildings
  - Arson, first degree, element, **80.02**
  - Burglary, **60.01 et seq.**
  - Criminal trespass, public access, defenses, **19.06, 19.07**
  - Defined
    - Generally, **2.05**
    - Arson and related crimes, **88.01**
    - Burglary, **65.01**
  - Rape, first degree, feloniously entering building, **40.03**
- Burden of proof
  - Generally, **4.01, 4.01A**
  - Capital punishment, sentencing phase, **31.05**
  - Criminal trespass, **19.06, 19.07**
- Insanity
  - Generally, **20.02**
  - Special verdict, **20.08**
- Burglary
  - Generally, **60.01 et seq.**
  - Enter, defined, **65.03**
  - Enters or remains unlawfully, defined, **65.02**
  - First degree
    - Generally, **60.01**
    - Elements, **60.02**
  - Making or having burglary tools, **60.10, 60.11**
  - Residential burglary, **60.02.01, 60.02.02**

**INSTRUCTIONS TO JURY—Cont'd**

- Burglary—Cont'd
  - Second degree
    - Generally, **60.03**
    - Elements, **60.04**
- Burning. Arson and related offenses, above
- Capital punishment
  - Generally, **31.00 et seq.**
- Advance oral instructions
  - Generally, **31.02**
- Voir dire, **31.01**
- Bias or prejudice, introductory instructions, **31.03**
- Burden of proof, presumption of leniency and reasonable doubt, **31.05**
- Concluding instructions, **31.08**
- Introductory instructions, **31.03**
- Leniency, presumption, **31.05**
- Life without parole, question for jury, **31.06**
- Presumptions, leniency, **31.05**
- Reasonable doubt, **31.05**
- Sentencing
  - Sentencing phase
    - Advance oral instruction, **31.02**
    - Burden of proof, presumption of leniency, **31.05**
  - Special verdict, **31.09**
  - Special verdicts, sentencing, **31.09**
- Cattle, theft of, **75.01 et seq.**
- Cause and effect, natural consequences of acts, intentions, presumptions, **6.25**
- Changed instructions, generally, **4.68.01**
- Character, defendants, good character and reputation, **6.12**
- Checks, unlawful issuance of a bank check, **73.01 et seq.**
- Child molestation
  - Defenses, **19.04.02**
  - Elements
    - First degree, **44.21, 44.21 et seq.**
    - Second degree, **44.23 et seq.**
    - Third degree, **44.25 et seq.**
- First degree
  - Generally, **44.20**
  - Causing sexual contact, **44.21.01**
  - Elements, **44.21, 44.21 et seq.**
  - Sexual contact with a child, elements, **44.21**
- Second degree
  - Generally, **44.22 et seq.**
  - Elements, **44.23**
  - Sexual contact, defined, **45.07**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Child molestation—Cont'd

Special verdicts, rape of a child or child molestation in return for a fee, **190.14**

Third degree

Generally, **44.24 et seq.**

Causing sexual contact, **44.25.01**

#### Children and minors

Abuse. Commercial Sexual Abuse of a Minor, this index

Afterborn or Unborn Children, this index

Aggravating Circumstances, this index

Commercial Sexual Abuse of a Minor, this index

Communication with a minor for immoral purposes, below

Controlled substances, enhanced sentences, schools and school districts, **50.62**

Custody, kidnapping, second degree, defenses, **19.02**

Definitions, communication with a minor for immoral purposes, **47.09**

Firearms. Unlawful possession of firearm, below

Homicide by abuse

Generally, **29.03**

Elements, **29.04**

Immoral purposes. Communication with a Minor for Immoral Purposes, this index

Indecent exposure, victim under fourteen years, **47.03, 47.04**

Kidnapping, second degree, defenses, **19.02**

Molestation. Child molestation, above

Physical discipline of child, defense, **17.07**

Promoting prostitution, first degree

Definition, **48.03**

Elements, **48.04.01**

Person under 18, elements, **48.04.01**

Prostitution. Promoting prostitution, first degree, above

Rape of a child, defenses, **19.04**

Rendering criminal assistance, special verdict, relatives, **120.14**

Sexual abuse. Commercial Sexual Abuse of a Minor, this index

Sexual Depictions of Minors, this index

Sexual exploitation of a minor, defenses, **19.04.03**

Significant relationship, defined, **45.08**

Special verdicts, rape of a child or child molestation in return for a fee, **190.14**

Unborn children. Afterborn or Unborn Children, this index

Unlawful possession of firearm

Authorized to own or possess, **133.02.05**

Elements, **133.02.04**

Weapons. Unlawful possession of firearm, above in this group

Civic center, defined, controlled substances, enhanced sentences, **50.67**

Common scheme or plan

Malicious mischief, **85.12**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Common scheme or plan—Cont'd

Unlawful issuance of bank check, **73.20**

Communications

Capital punishment, consultation among jurors, **31.04**

Children. Communication with minor for immoral purposes, below

Consultation among jurors, **1.04**

Deliberations, consultation among jurors, **1.04**

Electronic Communication, this index

Malicious harassment, reasonable fear, defined, **36.03.01**

Communication with a minor for immoral purposes

Generally, **47.05 et seq.**

Defenses, **19.04.03**

Felony, **47.05**

Elements, **47.06**

Community corrections facilities, custodial assault

Officers and employees, **35.42, 35.43**

Volunteers, **35.44, 35.45**

Compensation and salaries, criminal solicitation, element, **105.02**

Compounding

Generally, **120.20, 120.21**

Defenses, **19.11**

Elements, **120.21**

Computers, damage to computer records or programs, defined, malicious mischief, **88.04**

Concluding instructions

Generally, **151.00 et seq.**

Aggravating circumstances, bifurcated trial or stand-alone sentencing proceeding, **300.51**

Basic concluding instructions, **151.00**

Capital punishment, **31.08**

Controlled substances, enhanced sentences, **50.60**

Jury interrogatory, vehicular homicide, **163.00**

Special verdict

Deadly weapon, **160.00**

Elements with alternatives, **164.00**

Firearm, **162.00**

Firearm, form, **190.02**

Jurisdiction, **165.00**

Penalty enhancements, **160.00**

Sexual motivation, **161.00**

Conduct

Attempt, substantial step, **100.05**

Criminal conspiracy, **110.01, 110.02**

Criminal solicitation, **105.01, 105.02**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Conduct—Cont'd

##### Disorderly conduct

Generally, **126.10**

Elements, **126.11 et seq.**

Failure to disperse, **126.05, 126.06**

Funeral or burial, disorderly conduct not involving, **126.11**

##### Homicide, proximate cause

Generally, **25.02**

Conduct of another, **25.03**

Malicious harassment, **36.03.01**

Murder, first degree, indifference to human life, **26.05**

Reckless conduct, inferences, drive-by shooting, **35.30.01**

#### Consent

Custodial interference, **19.13**

Defined, rape, **45.04**

Indecent liberties, defenses, **18.25**

##### Rape

First or second degree, **18.25**

Second degree, incapacitated persons, **41.01, 41.02**

Third degree, lack of consent, expression, **42.01, 42.02**

Consequences of acts, intention, presumption, **6.25**

#### Conspiracy

Generally, **110.01**

Criminal Conspiracy, this index

Elements, **110.02**

#### Consultation, deliberations, consultation among jurors

Generally, **1.04**

Capital punishment, **31.04**

#### Controlled substances

Generally, **50.01 et seq.**

Civic center, enhanced sentences, **50.67**

County jail or state correctional facility, **50.70-50.73**

##### Defenses

Generally, **52.01 et seq.**

Enhanced sentence, **50.60 et seq.**

Definition, state list, **50.50**

##### Delivery

Generally, **50.05**

Authorization by law, defenses, **52.03**

Definitions, **50.07**

Elements, **50.06**

Legend drugs, **55.04**

Material in lieu of controlled substance

Generally, **50.20**

**INSTRUCTIONS TO JURY—Cont'd**

Controlled substances—Cont'd

Delivery—Cont'd

Material in lieu of controlled substance—Cont'd

Elements, **50.21**

Person under the age of 18, delivery to, **50.82**

Elements

Delivery, **50.06**

Homicide, **29.02**

Manufacture, **50.11**

Possession, **50.02**

Possession with intent to manufacture or deliver, **50.14**

Sale, **50.16**

Enhanced sentences, **50.60 et seq.**

Homicide

Generally, **29.01**

Elements, **29.02**

Intent to manufacture or deliver, **50.13, 50.14**

Legend Drugs, this index

Manufacture

Generally, **50.10 et seq.**

Authorization by law, defenses, **52.03**

Material in lieu of controlled substance, delivery

Generally, **50.20**

Elements, **50.21**

Paraphernalia, use of drug, **50.30, 50.31, 50.35**

Possession

Defined, **50.01, 50.03**

Elements, **50.02**

Possession with intent to manufacture or deliver, **50.14**

Unwitting possession, **52.01**

Prescriptions, defenses

Generally, **52.02**

Negligent driving, **96.20**

Public housing project, definition, **50.68**

Public parks, **50.65**

Public transit vehicle, defined, **50.66**

Retail marijuana product sales to person under the age of 21, **50.18**

Sales

Generally, **50.15 et seq.**

Authorization by law, defenses, **52.03**

Retail marijuana product sales to person under the age of 21, **50.18, 50.19**

School buses and school bus route stop, **50.64**

Schools and school districts, enhanced sentences, **50.62**

Special verdict, enhanced sentence, **50.61**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Controlled substances—Cont'd

Transit authorities, enhanced sentences, **50.66**

21 years or older, possession of marijuana, **50.04 et seq.**

Under 21 years old, possession of marijuana, **50.04.02 et seq.**

Unwitting possession, **52.01**

#### Correctional institutions

Community Corrections Facilities, this index

Correctional officers, resistance, lawful force, charges other than homicide, defenses, **17.02.01**

Custodial assault, **35.40 et seq.**

Designation, **120.38.01**

Prison, defined, **2.19**

Prisoner, defined, **2.20**

#### Corrupt influence

Bribery, **115.01 et seq.**

Public office, trading, **115.20 et seq.**

Special influence, trading, **115.25 et seq.**

#### Costs and expenses

Reimbursement of Defense Costs, this index

Self-defense, reimbursement, **17.06**

#### Counts

##### Multiple counts

Multiple defendants, **3.03**

Single defendant, **3.01**

##### Single count

Multiple criminal acts, elements of crime, jury unanimity, **4.25**

Multiple defendants, **3.02**

Court, questions by jurors addressed to, **4.67**

#### Credibility

Defendants, out of court statements, **6.41**

Expert witnesses, **6.51**

Witnesses, **6.01**

Credit, defined, unlawful issuance of bank checks, **79.10**

Credit cards, possessing stolen access devices, presumption, **77.15**

Crime of violence, defined, **133.51**

#### Crime scene

Accident, hit and run, **97.01 et seq.**

##### View

Generally, **4.51**

Admonition before visiting site, **4.71**

Criminal charges, extortion, defenses, **19.09**

#### Criminal conspiracy

Generally, **110.01**

Elements, **110.02**

**INSTRUCTIONS TO JURY—Cont'd**

Criminal conspiracy—Cont'd

Substantial step, **110.03**

Criminal mistreatment

Generally, **38.00 et seq.**

Abandonment of dependent persons, **38.10 et seq.**

Abandons defined, **38.24**

Basic necessities of life defined, **38.20**

Child defined, **38.21**

Dependent person defined, **38.22**

Employed defined, **38.23**

First degree

Generally, **38.01, 38.02**

Abandonment of dependent persons, **38.11**

Fourth degree, **38.07, 38.08**

Great bodily harm defined, **38.25**

Second degree

Generally, **38.03, 38.04**

Abandonment of dependent persons, **38.12, 38.13**

Third degree

Generally, **38.05, 38.06, 38.06.01**

Abandonment of dependent persons, **38.14, 38.15**

Criminal negligence

Assault, third degree

Generally, **35.22, 35.24**

Elements, **35.22, 35.24**

Defined, **10.04**

Manslaughter, second degree, **28.05, 28.06**

Criminal solicitation

Generally, **105.01**

Elements, **105.02**

Criminal trespass

Defenses

First degree, **19.06**

Second degree, **19.07**

Elements

First degree, **60.16**

Second degree, **60.18**

Culpability

Introduction, **10.00**

Requirements, **10.00 et seq.**

Transferred intent, **10.01.01**

Current or prospective witness, defined, intimidating a witness, **115.53**

Custodial assault

Generally, **35.40 et seq.**



## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Custodial assault—Cont'd

##### Elements

Generally, **35.40**

Community corrections volunteers, **35.45**

#### Custodial interference

Generally, **39.20 et seq.**

Consent, **19.13**

Defenses, **19.12**

##### Elements

##### First degree

Parents, **39.23, 39.23.01**

Relatives, **39.21**

##### Second degree

Parents, **39.27**

Relatives, **39.25**

First degree, **39.20 et seq.**

##### Parents

First degree, **39.22, 39.23, 39.23.01**

Second degree, **39.26, 39.27**

##### Relatives

First degree, **39.20, 39.21**

Parents, above in this group

Second degree, **39.24 et seq.**

Second degree, **39.24 et seq.**

#### Custodial sexual conduct

Generally, **49B.01 et seq.**

Correctional worker, elements, **49B.02, 49B.05**

Defenses, **19.04.05**

Elements, **49B.02 et seq.**

First degree, **49B.01 et seq.**

Law enforcement officer, **49B.03, 49B.06**

Second degree, **49B.04 et seq.**

#### Custody

Custodial assault, **35.40 et seq.**

Defined, escape, **120.50**

Kidnapping, second degree, defenses, **19.02**

#### Damages

Definitions, arson and related crimes, **88.02 et seq.**

Malicious mischief, damage to computer records or programs, defined, **88.04**

#### Danger

Justifiable homicide, belief, **16.07**

Lawful force, belief, charges other than homicide, **17.04**

#### Dangerous weapons

Carrying concealed weapon, **133.35, 133.36**

**INSTRUCTIONS TO JURY—Cont'd**

- Dangerous weapons—Cont'd
  - Definitions, **2.07.01**
  - Possession
    - Generally, **133.30**
    - Elements, **133.31**
  - Stalking
    - Generally, **36.27.01**
    - Victim with official capacity in legal system, **36.21.06**
  - Unlawful display, **133.40, 133.41**
- Deadlock, generally, **4.81**
- Deadly weapons
  - Assault
    - First degree, **35.01**
    - Elements, **35.02**
  - Second degree
    - Alternate means, elements, **35.12**
    - Elements, **35.19**
  - Definitions, **2.06 et seq.**
  - Robbery, first degree, **37.01, 37.02**
  - Special verdict, form, **190.01**
- Death, hit and run, **97.01 et seq.**
- Deception
  - By color or aid of deception, defined, theft, **79.03**
  - Defined, theft, **79.04**
- Defendants
  - Aggressor, self-defense, **16.04**
  - Alibis, **18.15**
  - Entrapment, **18.05**
  - Failure to testify, **6.31**
  - False evidence, **5.10**
  - Flight, evidence, **6.21**
  - Good character, **6.12**
  - Impeachment, prior convictions, **5.05**
  - Insanity, **20.01 et seq.**
  - Intoxication, voluntary, **18.10**
- Multiple defendants
  - Multiple counts, **3.03**
  - Murder, commission of felony, defenses, **19.01**
  - Single count, **3.02**
- Out of court statements
  - Admissions or incriminating statements, codefendants, **6.42**
  - Codefendants, **6.42**
  - Weight and credibility, **6.41**
- Reputation, **6.12**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Defendants—Cont'd

Single defendant, multiple counts, **3.01**

Suppression of evidence, **5.10**

#### Defense of others

Aggressor, **16.04.01**

Justifiable homicide, **16.02**

Lawful force, charges other than homicide, defenses, **17.02**

#### Defenses

Abandonment, termination of services defense, **19.15**

Alibis, **18.15**

Bail jumping, uncontrollable circumstances, **19.17**

Charges other than homicide, lawful force, **17.01 et seq.**

#### Controlled substances

Generally, **52.01 et seq.**

Enhanced sentence, **50.60.01**

Criminal mistreatment, financial inability, **19.14**

Drinking after driving, **92.14**

Duress, **18.01**

Entrapment, **18.05**

Escape, uncontrollable circumstances defense, **19.16**

Insanity, **20.01 et seq.**

Intoxication, voluntary, **18.10**

Medical marijuana, **52.10 et seq.**

Necessity, **18.02**

Safely off roadway, driving under the influence, **92.15**

#### Special statutory defenses

Generally, **19.01 et seq.**

Controlled substances, enhanced sentence, **50.60.01**

#### Definitions. Words and phrases, below

#### Degrees

##### Lesser degree

Concluding instruction, **155.00**

General verdict, form, **180.05**

Three degrees, **180.06**

Lesser included crime or less degree, **4.11**

Delay, obstructing public servant, **120.01, 120.02**

#### Deliberations

Commission of crime, insanity, order of consideration, **20.03**

Communications, consultation among jurors, **1.04**

#### Consultation among jurors

Generally, **1.04**

Capital punishment, **31.04**

Probability of verdict, **4.70**

Suggestions for deliberation procedures, **4.73**

**INSTRUCTIONS TO JURY—Cont'd**

- Delivery
  - Controlled Substances, this index
  - Legend Drugs, this index
  - Unlawful delivery of firearm, **133.06, 133.07**
- Depositories, unlawful issuance of a bank check, **73.01 et seq.**
- Detention
  - Generally, **17.03**
  - Justifiable homicide, **16.06**
  - Lawful force
    - Generally, **17.03**
    - Justifiable homicide, **16.06**
    - Resisting, **17.02.01**
  - Resisting, **17.02.01**
- Detention facilities
  - Custodial assault, **35.40 et seq.**
  - Defined, **120.51**
- First degree
  - Defined, **120.25**
  - Escape from custody, **120.26**
- Developmentally disabled persons
  - Custodial interference, incompetent persons, **39.20 et seq.**
  - Defined, **45.05, 45.10**
  - Malicious harassment, **36.01 et seq.**
  - Promoting prostitution, **48.04.02**
- Rape, second degree
  - Generally, **41.01, 41.02**
  - Belief of defendant, defenses, second degree or indecent liberties, **19.03**
- Diminished capacity, generally, **18.20**
- Discrimination, malicious harassment, **36.01 et seq.**
- Discussion by jury, completion of trial, jury's discussion of case, **4.75**
- Disorderly Conduct, this index
- Disregard for safety of others, defined, vehicular homicide, **90.05**
- Documents, written instrument, defined, forgery, **130.10**
- Domestic violence no-contact order violations
  - Defined, **36.50**
  - Elements, **36.51**
- Domestic violence protection order violations
  - Defined, **36.52**
  - Elements, **36.53**
- Drafts, unlawful issuance of a bank check, **73.01 et seq.**
- Drive-by shooting
  - Definition, **35.30**
  - Elements, **35.31**
- Drivers licenses, driving while license suspended or revoked, **93.01 et seq.**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

Driving or Being in Physical Control While Under the Influence, this index  
Driving while license suspended or revoked

Generally, **93.01 et seq.**

Administrative suspension, **93.07**

Conviction, **93.07.01**

Definitions, **93.01 et seq.**

Elements, **93.02 et seq.**

First degree, **93.01 et seq.**

Hit and run, **97.10**

Second degree, **93.03 et seq.**

Special verdict form, **93.05, 93.08**

Third degree, **93.06 et seq.**

Drug abuse, controlled substances homicide

Generally, **29.01**

Elements, **29.02**

Duress or coercion

Defenses, **18.01**

Human trafficking, **39A.13**

Involuntary servitude, **39A.08**

Duty to notify, public assistance, public assistance fraud, **70.17**

Dwellings

Arson, first degree, element, **80.02**

Burglary, first degree, **60.01, 60.02**

Definitions

Generally, **2.08**

Burglary, **65.01**

Residential burglary

Generally, **60.02.01**

Elements, **60.02.02**

Before each recess, **4.61**

Elder adults, defined, **45.14**

Elements

Generally, **4.20 et seq.**

Arson

First degree, **80.02**

Second degree, **80.06**

Assault

Assault of child, first degree, **35.35.01 et seq.**

First degree

Generally, **35.02**

Deadly weapon or great bodily harm, alternate means, **35.08**

Great bodily harm, **35.04**

Poison, **35.06**

Fourth degree, **35.26**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Elements—Cont'd

Assault—Cont'd

Gross misdemeanor, **35.26**

Second degree

Generally, **35.12, 35.13**

Deadly weapon or intent to commit felony, alternate means, **35.16**

Intent to commit felony, **35.11**

Torture, **35.18**

Unborn children, **35.17**

Third degree

Generally, **35.21 et seq.**

Court process or arrest, **35.21**

Transit operators, **35.23**

Assault of a child

First degree, **35.35 et seq.**

Second degree, **35.37 et seq.**

Third degree, **35.39**

Attempt, **100.02**

Attempting to elude a pursuing police vehicle, **94.02**

Bail jumping, **120.41**

Bribe receiving by a witness, **115.41**

Bribery, **115.02, 115.03**

Bribing a witness, **115.31**

Burglary

First degree, **60.02**

Making or having burglary tools, **60.11**

Residential burglary, **60.02.02**

Second degree, **60.04**

Carrying concealed pistol, **133.04**

Carrying concealed weapon, **133.36**

Child molestation

First degree, **44.21, 44.21 et seq.**

Second degree, **44.23 et seq.**

Third degree, **44.25 et seq.**

Communication with a minor for immoral purposes, felony, **47.06**

Compounding, **120.21**

Controlled substances

Delivery, **50.06**

Homicide, **29.02**

Manufacture, **50.11**

Possession, **50.02**

Possession with intent to manufacture or deliver, **50.14**

Sale, **50.16**

Criminal conspiracy, **110.02**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Elements—Cont'd

Criminal possession of leased or rented machinery, equipment, or motor vehicles, **70.21**

Criminal solicitation, **105.02**

#### Criminal trespass

First degree, **60.16**

Second degree, **60.18**

#### Custodial assault

Generally, **35.40**

Community corrections volunteers, **35.45**

#### Custodial interference

##### First degree

Parents, **39.23, 39.23.01**

Relatives, **39.21**

##### Second degree

Parents, **39.27**

Relatives, **39.25**

Dangerous weapons, possession, **133.31**

Disorderly conduct, **126.11 et seq.**

Drive-by shooting, **35.31**

Driving or being in physical control while under the influence, **92.02**

#### Escape

Escape from work release facility, first degree, **120.28**

First degree escape from custody, **120.26**

Second degree, **120.31**

Third degree, **120.36**

#### Extortion

First degree, **76.02**

Second degree, **76.06**

Failure to disperse, **126.06**

Failure to return to work release facility, **120.38**

False reporting, **126.16**

False swearing, **118.11**

#### Firearms

Aiming, **133.21**

Discharging, **133.22**

Unlawful possession, person who has been committed, **133.09**

Forgery, **130.02, 130.03**

Form, **4.21**

Harassment, **36.07**

#### Hit and run

Attended vehicle, **97.04**

Injury or death, **97.02**

Unattended vehicle, **97.06**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Elements—Cont'd

Incest, first degree, **46.04**

Indecent exposure, **47.02, 47.04**

Indecent liberties, **49.02**

Interference with reporting of domestic violence offense, **36.57**

Intimidating a witness

Threat to current or prospective witness, **115.51.01**

Threat to former witness, **115.51**

Kidnapping, first degree, **39.02**

Leaving unloaded pistol in vehicle, **133.05**

Legend drugs

Possession, **55.02**

Sale or delivery, **55.04**

Location of offense, **4.27**

Luring, **39.41**

Making false or misleading statement to public servant, **120.04**

Malicious harassment

Harm to person or property, placing victim in fear, **36.03**

Physical injury, **36.02**

Property, physical harm or destruction, **36.04**

Malicious mischief

First degree, **85.02**

Second degree, **85.06**

Third degree, **85.11, 85.11.01**

Manslaughter

First degree, reckless, **28.02**

Second degree, criminal negligence, **28.06**

Murder

Aggravated first degree murder, **30.04**

First degree

Felony murder, **26.04**

Indifference to human life, **26.06**

Premeditation, **26.02**

Second degree

Generally, **27.02**

Felony murder, **27.04**

Negligent driving, **96.02**

Obscuring identity of machine, **78.02**

Obstructing law enforcement officer, **120.02**

Obstructing public servant, **120.02**

Obtaining signature by deception or duress, **130.06**

Operating motor vehicle after consuming alcohol while under age twenty-one, **92.05**

Patronizing a prostitute, **48.10**



## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Elements—Cont'd

##### Perjury

First degree, **118.02**

Second degree, **118.06**

Permitting prostitution, **48.08**

##### Pistols

Motor vehicles, **133.05, 133.05.01**

Unlawful delivery of firearm, **133.07**

Possessing stolen firearm, **77.13**

Possessing stolen property

First degree, **77.02**

Second degree, **77.06**

Third degree, **77.11**

Promoting prostitution, **48.04, 48.04.01**

Prostitution, **48.02, 48.04, 48.04.01**

Public assistance fraud, **70.16**

Rape, first degree, **40.02**

Rape of a child

First degree, **44.11**

Second degree, **44.13**

Third degree, elements, **44.15**

Reckless burning

First degree, **83.02**

Second degree, **83.06**

Reckless driving, **95.02**

Reckless endangerment

First degree, **35.31**

Second degree, **35.33**

Rendering criminal assistance

Generally, **120.11**

Third degree, **120.13**

Resisting arrest, **120.6**

##### Riots

Felonies, **126.02**

Gross misdemeanors, **126.03**

##### Robbery

First degree, **37.02**

Second degree, **37.04**

Sexual misconduct with a minor

First degree, **44.31**

Second degree, **44.33**

Stalking, **36.21**

Taking motor vehicle without permission, **74.02 et seq.**

Tampering with a witness, **115.81**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Elements—Cont'd

Theft

Criminal possession of leased or rented machinery, equipment, or motor vehicles, **70.21**

First degree, **70.02**

Public assistance fraud, **70.16**

Second degree, **70.06**

Third degree, **70.11**

Weapons, **70.13**

Theft of livestock

First degree, **75.01, 75.02**

Second degree, **75.04**

Threatening to bomb or injure property, **86.02**

Unlawful imprisonment, **39.16**

Unlawful issuance of bank check

Felony, **73.02**

Gross misdemeanor, **73.04**

Unlawful possession, first degree, **133.02**

Unlawful possession, second degree, **133.02.02**

Unlawful possession of firearm

Bail for serious offense, **133.02.06**

Involuntary commitment, **133.02.07**

Minors, **133.02.04**

Previous domestic violence conviction, **133.02.03**

Second degree, **133.02.01**

Vehicle prowling

First degree, **61.02**

Second degree, **61.04**

Vehicular assault, **91.02**

Vehicular homicide, **90.02**

Violation of domestic violence no-contact order, **36.51**

Violation of domestic violence protection order, **36.53**

Weapons, unlawful display, **133.41**

Embracing, reckless driving, inference, **95.05**

Enhanced sentence

Child on premises, **50.80**

Controlled substances, **50.60 et seq.**

Harassment, **36.08**

Enter, defined, burglary, **65.03**

Enters or remains unlawfully

Burglary, inferences, intent, **60.05**

Defined, burglary, **65.02**

Entrapment, defenses, **18.05**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Escape

Custody, defined, **120.50**

Detention facilities, defined, **120.51**

#### Elements

Escape from work release facility, first degree, **120.28**

First degree escape from custody, **120.26**

Second degree, **120.31**

Third degree, **120.36**

#### First degree

Custody, elements of escape from, **120.26**

Defined, **120.25**

Work release facility, escape from, **120.27, 120.28**

#### First degree escape from custody

Generally, **120.25**

Elements, **120.26**

First degree escape from work release facility, **120.27, 120.28**

Second degree, **120.30, 120.31**

Generally, **120.30**

Elements, **120.31**

Third degree, **120.35, 120.36**

Generally, **120.35**

Elements, **120.36**

Uncontrollable circumstances defense, **19.16**

#### Evidence

Generally, **5.01 et seq.**

Burden of proof. Presumptions and burden of proof, below

Circumstantial evidence, **5.01**

Definitions, **5.01**

Direct evidence, **5.01**

#### False evidence

Defendant, **5.10**

Third person, **5.11**

False swearing, proof, requirements, **118.12**

Flight, **6.21**

Impeachment, evidence of prior convictions, **4.64**

#### Introductory instructions

Generally, **1.02**

Capital punishment, **31.03**

Limited purpose, **4.64.01, 5.30**

Perjury, proof, requirements, **118.12**

Presumptions and burden of proof, below

#### Prior convictions

Generally, **4.64**

Impeachment, witnesses, **5.06**

**INSTRUCTIONS TO JURY—Cont'd**

Evidence—Cont'd

Prior sex offense, **5.40**

Rehearing of testimony by jury, cautionary instruction, **4.74**

Stipulation as to admission of evidence, **4.76**

Suppression

Defendant, **5.10**

Third persons, **5.11**

Unlawful issuance of bank check, intent, **73.10**

View of site, **4.51**

Weight of evidence, below

Witnesses, below

Excessive speed, inference of reckless driving, **95.03, 95.04**

Excuse

Alternate jurors, temporary excuse, **4.69.01**

Excusable homicide, **15.01**

Exerting unauthorized control, defined, theft, **79.02**

Exhibiting effects of having consumed an illegal drug, defined, negligent driving, **96.11**

Exhibiting effects of having consumed liquor, defined, negligent driving, **96.10**

Exhibits, illustrative purposes, admission for, **4.72**

Expenses and expenditures, self-defense, reimbursement, **17.06**

Expert witnesses, generally, **6.51**

Extortion

Generally, **76.01 et seq.**

Defenses, second degree, **19.09**

Elements

First degree, **76.02**

Second degree, **76.06**

First degree

Generally, **76.01**

Elements, **76.02**

Second degree

Generally, **76.05**

Elements, **76.06**

Facility for chemically dependent persons, defined, **45.16**

Facility for mentally disordered persons, defined, **45.15**

Failure to disperse

Generally, **126.05**

Elements, **126.06**

False evidence. Evidence, above

False reporting

Generally, **126.15**

Elements, **126.16**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

- False swearing
  - Generally, **118.10**
  - Elements, **118.11**
  - Perjury, this index
  - Proof, requirements, **118.12**
  - Retraction, **118.20**
  - Statement of what one does not know to be true, **118.21**
- Family or household member, definition, **2.27**
- Fear
  - Malicious harassment, harm to person or property, placing victim in fear, **36.03**
  - Robbery, first degree, **37.02**
- Felonies
  - Assault
    - Intent to commit felony, elements, **35.16**
    - Second degree, intent to commit felony, **35.11**
  - Child Molestation, this index
  - Communication with a minor for immoral purposes
    - Generally, **47.05**
    - Elements, **47.06**
  - Designation, **2.09**
  - Harassment, this index
  - Justifiable homicide, resistance to felony, **16.03**
  - Murder, this index
  - Riots, **126.02**
  - Unlawful issuance of bank check, **73.01, 73.02**
  - Unlawful ownership or possession of pistol or short firearm, **133.01, 133.02**
  - Unlawful possession, first degree, **133.02**
- Financial assistance, public assistance fraud, **70.15 et seq.**
- Financial inability, criminal mistreatment defense, **19.14**
- Financial institutions
  - Robbery, **37.51**
  - Unlawful issuance of a bank check, **73.01 et seq.**
- Firearms. Weapons and firearms, below
- Firefighters
  - Assault, third degree, elements, **35.23.01**
  - Danger, arson, first degree, element, **80.02**
- First degree offenses
  - Arson, above
  - Assault, generally, **35.01 et seq.**
  - Burglary, above
  - Child molestation, above
  - Custodial interference, generally, **39.20 et seq.**
  - Extortion, above

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

First degree offenses—Cont'd

Kidnapping, below

Livestock, **75.01 et seq.**

Murder, below

Perjury, below

Possession of stolen property, below

Rape, generally, **40.01 et seq.**

Rape of a child, below

Reckless endangerment, generally, **35.32 et seq.**

Rendering criminal assistance, below

Robbery, below

Sexual misconduct with a minor, below

Statutory rape, generally, **44.01, 44.02**

Theft, below

Flight

Evidence, **6.21**

Kidnapping, first degree, **39.01**

Follows, defined, stalking, **36.22**

Force

Forcible compulsion, rape, **45.03**

Necessary force, **16.05**

Promoting prostitution, first degree, **48.04**

Forcible compulsion

Custodial sexual misconduct, **19.04.05**

Defined, rape, **45.03**

Indecent liberties, **49.02**

Forgery

Generally, **130.01 et seq.**

Defined, **130.01**

Falsely alter, **130.13**

Falsely complete, **130.12**

Falsely make, **130.11**

Forged instrument, defined, **130.14**

Possessing, offering or disposing, **130.03**

Former witness, defined, intimidating a witness, **115.54**

Fourth degree assault

Defined, **35.25**

Elements, **35.26**

Gross misdemeanor, **35.25**

July 23, 2017 and before March 18, 2020, crime committed after, **35.25.01, 35.25.03, 35.26.01**

March 18, 2020, crime committed after, **35.26.02**

Frail adults, defined, **45.14**

Fraud, public assistance fraud, **70.15 et seq.**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Good faith

Communication with a minor for immoral purposes, inquiry into age, defenses, **19.04.03**

Justifiable homicide, danger, belief, **16.07**

Lawful force, danger, belief, charges other than homicide, **17.04**

#### Government

Defined, **2.11**

Governmental function, defined, **2.12**

Obstructing governmental operation, **120.01 et seq.**

#### Governmental functions

Defined, **2.12**

Kidnapping, first degree, interference, **39.01**

Obstructing governmental operation, **120.01 et seq.**

#### Great bodily harm

##### Assault

###### Assault of child

First degree, elements, **35.35.02**

Reckless infliction, elements, **35.35.02**

###### First degree

Generally, **35.03**

Alternate means, **35.07, 35.08**

Defined, **2.04**

Elements, **35.04**

#### Gross misdemeanors

Assault, fourth degree, **35.25**

Communication with a minor for immoral purposes, defined, **47.07, 47.08**

Defined, **2.04.01, 36.06, 36.07**

Elements, second degree, **61.04**

Harassment, **36.07**

Riots, **126.03**

Stalking, **36.20, 36.21**

Unlawful issuance of bank check, **73.03, 73.04**

Guardian and ward, custodial interference, **39.20 et seq.**

#### Handicapped persons

Definitions, rape, **45.05**

Rape, second degree

Generally, **41.01, 41.02**

Defenses, belief of defendant, second degree or indecent liberties, **19.03**

Harass, defined, stalking, **36.23**

Harassment, this index

#### Health care provider

Assault, **35.23.04**

Defined, rape, **45.12**

Indecent liberties, **19.03.02**

**INSTRUCTIONS TO JURY—Cont'd**

Hindering, obstructing public servant, **120.01, 120.02**

Hit and run

Generally, **97.01 et seq.**

Attended vehicle

Generally, **97.03**

Elements, **97.04**

Defined, **97.01**

Injury or death

Generally, **97.01**

Elements, **97.02**

License suspended or revoked, **97.10**

Unattended vehicle

Generally, **97.05**

Elements, **97.06**

Homicide

Generally, **25.01 et seq.**

Conduct of another, proximate cause, **25.03**

Controlled substances homicide

Generally, **29.01**

Elements, **29.02**

Defined, **25.01**

Excusable homicide, **15.01**

Homicide by abuse

Generally, **29.03**

Elements, **29.04**

Indifference to human life, homicide by abuse, **29.04**

Justifiable homicide, **16.01 et seq.**

Proximate cause, **25.02**

Vehicular homicide, **90.01 et seq.**

Horses, theft of livestock, **75.01 et seq.**

Human immunodeficiency virus (HIV)

Assault, second degree

Administration, **35.15**

Defined, **35.52**

Identity and identification

Eyewitness identification testimony, **6.52**

Obscuring identity of machine, **78.01, 78.02**

Written instrument, defined, forgery, **130.10**

Illegal drug, defined, negligent driving, **96.12**

Impeachment

Defendants, prior conviction, **5.05**

Prior convictions, **5.05, 5.06**

Witnesses, prior convictions, **5.06**

Impeachment, evidence of prior conviction, **4.64**



## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Imprisonment

Life imprisonment, capital punishment, mitigating circumstances, life without parole, **31.06**

Unlawful imprisonment, **39.15, 39.16**

#### Incapacitated persons

Custodial interference, **39.20 et seq.**

Definitions, rape, **45.05**

Rape, second degree, **41.01, 41.02**

#### Incest, first degree

Generally, **46.03**

Elements, **46.04**

#### Incest, second degree, **46.05**

#### Indecent exposure, generally, **47.01 et seq.**

#### Indecent liberties

Generally, **49.01 et seq.**

Defenses, **18.25, 19.03, 19.03.01**

Health care provider, **19.03.02**

#### Indifference to human life

Homicide by abuse, **29.04**

Murder, first degree

Generally, **26.05**

Elements, **26.06**

#### Inferences

Attempting to elude pursuing police vehicle, **94.03, 94.04**

Burglary, entering or remaining unlawfully, intent, **60.05**

Circumstantial evidence, **5.01**

Defendants, failure to testify, **6.31**

Failure to produce witness, **5.20**

Reckless conduct, first degree, **35.30.01**

Reckless driving

Embracing, **95.05**

Excessive speed, **95.04**

#### Information and indictment, **1.03**

#### Insanity

Generally, **20.01 et seq.**

Burden of proof

Generally, **20.02**

Special verdict, **20.08**

Definitions, **20.01**

Involuntary treatment, special verdict form, **190.05**

Irresistible impulse, **20.05**

Recovery, time of trial, **20.07**

Special verdict

Burden of proof, **20.08**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Insanity—Cont'd

Special verdict—Cont'd

Form, **190.03**

Verdicts

Commission of crime, order of consideration, **20.03**

Form A, insanity plea, **20.09**

Special verdicts, above in this group

Voluntarily induced state, intoxication, **20.04**

Instruments

Forgery, **130.01 et seq.**

Obtaining signature by deception or duress

Generally, **130.05**

Elements, **130.06**

Written instrument, defined, forgery, **130.10**

Intent

Assault

First degree, **35.01 et seq.**

Intent to commit felony, second degree, elements, **35.11**

Attempt, **100.01 et seq.**

Bigamy, element, **46.02**

Bribery, element, **115.02**

Burglary

Entering or remaining unlawfully, inferences, **60.05**

First degree, element, **60.02**

Making or having burglary tools, element, **60.11**

Residential burglary, element, **60.02.02**

Second degree, element, **60.04**

Criminal conspiracy, element, **110.02**

Criminal solicitation, element, **105.02**

Definitions, **10.01**

Forgery, element, **130.02, 130.03**

Indecent exposure, **47.04**

Murder

Premeditation, **26.01.01**

Elements, **26.02**

Second degree, **27.01**

Elements, **27.02**

Natural consequences of acts, presumptions, **6.25**

Obscuring identity of machine, element, **78.02**

Obtaining signature by deception or duress, element, **130.06**

Rendering criminal assistance

First or second degree, elements, **120.11**

Third degree, element, **120.13**

Resisting arrest, element, **120.06**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Intent—Cont'd

Retail theft, intent to resell, **71.01 et seq.**

Taking motor vehicle without permission, element, **74.02 et seq.**

#### Theft

First degree, element, **70.02**

Retail theft, intent to resell, **71.01 et seq.**

Second degree, element, **70.06**

Third degree, element, **70.11**

#### Theft of livestock

First degree, element, **75.02**

Second degree, element, **75.04**

Unlawful display of weapon, intimidation, element, **133.41**

#### Unlawful issuance of bank check

Felony, element, **73.02**

Gross misdemeanor, element, **73.04**

Presumption, **73.10**

#### Vehicle prowling

First degree, element, **61.02**

Second degree, element, **61.04**

Intent to intimidate or harass, inference, defined, **36.25**

#### Interference with reporting of domestic violence offense

Defined, **36.56**

Elements, **36.57**

Interpreters, generally, **4.65**

#### Intimidating a witness

Defined, **115.50**

Threat to current or prospective witness, elements, **115.51.01**

Threat to former witness, elements, **115.51**

Intimidation, unlawful display of weapon, **133.40**

#### Intoxication

Defenses, voluntary intoxication, **18.10**

Insanity, **20.04**

#### Introductory instructions

Generally, **1.01 et seq., 1.02**

Advance oral instruction, **1.01**

Beginning of proceedings, **1.01**

Capital punishment, **31.03**

Conclusion of trial, **1.02**

Information, the, **1.03**

Jurors' duty to consult with one another, **1.04**

#### Involuntary treatment

Previously committed persons, unlawful possession of firearms, **133.08**

Special verdicts, forms, **190.05**

Irresistible impulse, generally, **20.05**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Joyriding, taking motor vehicle without permission, **74.01 et seq.**

Justifiable homicide, generally, **16.01 et seq.**

Juvenile delinquents and dependents

Correctional facilities, custodial assault

Generally, **35.40**

Elements, **35.41**

Kidnapping

Generally, **39.01 et seq.**

Defenses, second degree, **19.02**

First degree, **39.01**

Elements, **39.02**

Second degree

Generally, **39.10**

Defenses, **19.02**

Elements, **39.11**

Knives, defined, **2.07.01**

Knowledge. Notice or knowledge, below

Language, interpreter, **4.65**

Law

Additional instructions of law, **4.68**

Changed instructions, **4.68.01**

Special statutory defenses, **19.01 et seq.**

Law enforcement officers

Assault, third degree

Elements, **35.23.02**

Attempting to elude a pursuing police vehicle, **94.01 et seq.**

Driving or being in physical control while under the influence, pursuit, **92.01**

Entrapment, **18.05**

Justifiable homicide, **16.01**

Obstructing, **120.01 et seq.**

Lawful arrest, defined, **120.07**

Lawful force

Generally, **16.06**

Charges other than homicide, defenses, **17.01 et seq.**

Detention

Generally, **17.03**

Justifiable homicide, **16.06**

Resisting, **17.02.01**

Justifiable homicide, **16.06**

Leases, criminal possession of leased or rented machinery, equipment or motor vehicles, **70.20 et seq.**

Legend drugs

Generally, **55.01 et seq.**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Legend drugs—Cont'd

##### Delivery

Generally, **55.03**

Elements, **55.04**

Order or prescription, **55.06**

##### Possession

Generally, **55.01**

Elements, **55.02**

Order or prescription, **55.06**

Prescription or order, possession, sale or delivery, **55.06**

##### Sale

Generally, **55.03**

Elements, **55.04**

Order or prescription, **55.06**

#### Lesser included offenses

Generally, **4.11**

Concluding instructions, **155.00**

General verdict, form, **180.05**

#### Licenses and permits

Concealed weapons, carrying pistol, elements, **133.04**

Driving while license suspended or revoked, **93.01 et seq.**

Life imprisonment, capital punishment, mitigating circumstances, life without parole, **31.06**

Livestock, theft of. Theft, below

#### Luring

Defense, **19.02.01**

Defined, **39.40**

Elements, **39.41**

#### Machinery and equipment

Criminal possession of leased or rented machinery, equipment or motor vehicles, **70.20 et seq.**

Obscuring identity of machine, **78.01**

Elements, **78.02**

#### Making false or misleading statement to public servant

Defined, **120.03**

Elements, **120.04 et seq.**

#### Malice, definitions, **2.13**

#### Malicious harassment

Generally, **36.01 et seq.**

Defined, **36.01**

Exceptions, **36.03.02**

Limitations, **36.03.02**

Mistaken belief, **36.05.01**

**INSTRUCTIONS TO JURY—Cont'd**

Malicious mischief

Common scheme or plan, **85.12**

Definitions, **85.10.01, 88.01 et seq.**

Elements

First degree, **85.02**

Second degree, **85.06**

Third degree, **85.11, 85.11.01**

First degree

Generally, **85.01**

Elements, **85.02**

Second degree

Generally, **85.05**

Elements, **85.06**

Third degree

Generally, **85.10, 85.10.10 et seq.**

Elements, **85.11**

Manslaughter

Generally, **28.01 et seq.**

First degree

Generally, **28.01**

Elements, **28.02**

Second degree

Generally, **28.05**

Elements, **28.06**

Manufacturers and manufacturing, controlled substances

Generally, **50.10 et seq.**

Authorization by law, defenses, **52.03**

Marijuana. Medical marijuana, below

Marriage

Bigamy

Generally, **46.01**

Defenses, **19.10**

Elements, **46.02**

Definitions, rape, **45.06**

Material in lieu of controlled substance, delivery

Generally, **50.20**

Elements, **50.21**

Material statements

Defined, perjury, **118.17**

Inconsistent material statements, perjury, **118.22**

Medical marijuana

Generally, **52.10 et seq.**

Authorization, defined, **52.19**

Defenses, **52.10 et seq.**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Medical marijuana—Cont'd

- Designated provider, **52.18**
- Designated provider defense, **52.11**
- Documentation, **52.16**
- Health care professional, **52.17**
- Marijuana plant, defined, **52.20**
- Primary caregiver defense, **52.11.01, 52.11.02**
- Qualifying patient defense, **52.10, 52.13**
- Recognition card, **52.16**
- Sixty-day supply defined, **52.15**
- Terminal or debilitating condition, **52.14**

#### Mental illness

- Custodial interference, incompetent persons, **39.20 et seq.**
- Definitions, **45.05**
- Malicious harassment, **36.01 et seq.**
- Previously committed persons, unlawful possession of firearm
  - Generally, **133.7**
  - Elements, **133.09**
- Promoting prostitution, **48.04.02**
- Rape, second degree
  - Generally, **41.01, 41.02**
  - Belief of defendant, defenses, **19.03**
  - Defenses, belief of defendant, second degree or indecent liberties, **19.03**
- Unlawful possession of firearm, previously committed person
  - Generally, **133.08**
  - Elements, **133.09**

#### Mental incapacity, defined, **45.05**

#### Mentally retarded or developmentally disabled persons, rape, second degree or indecent liberties, belief of defendant, defenses, **19.03**

#### Mental states, diminished capacity, **18.20**

#### Minorities, malicious harassment, **36.01 et seq.**

#### Mitigating circumstances

- Capital punishment
  - Advance oral instructions, **31.02**
  - Voir dire, **31.07**
- Defined
  - Generally, **31.07**
  - Advance oral instructions, **31.02**

#### Money

- Access device, defined, theft, **79.07**
- Criminal solicitation, element, **105.02**

#### Motor homes

- Defined, **61.05**
- Vehicle prowling, **61.01 et seq.**

**INSTRUCTIONS TO JURY—Cont'd**

Motor vehicles

Aggravating circumstances, driving the wrong way, **300.37**

Attempting to elude a pursuing police vehicle, **94.01 et seq.**

Criminal possession of leased or rented machinery, equipment or motor vehicles, **70.20 et seq.**

Definitions

Nontraffic cases, **2.25**

Traffic cases, **98.01**

Driving while license suspended or revoked, **93.01 et seq.**

Negligent driving, **96.01 et seq.**

Obscuring identity of machine, **78.01, 78.02**

Possessing stolen property, **77.20, 77.21**

Reckless driving, **95.01 et seq.**

Taking motor vehicle without permission

Generally, **74.00 et seq.**

Definitions, **74.00.01 et seq.**

Elements, **74.00.02 et seq., 74.02 et seq.**

Riding, elements, **74.04**

Taking, elements, **74.03**

Theft, **70.25, 70.26**

Vehicle prowling, **61.01 et seq.**

Vehicular assault, **91.01 et seq.**

Vehicular homicide, **90.01 et seq.**

Mules, theft of livestock, **75.01 et seq.**

Multiple counts

Multiple defendants, **3.03**

Single defendant, **3.01**

Murder

Generally, **26.01 et seq.**

Aggravated first degree murder, **30.00 et seq., 30.01 et seq.**

Definitions

Aggravated first degree murder, **30.01**

First degree, **26.01 et seq.**

Elements

Aggravated first degree murder, **30.02**

First degree

Felony murder, **26.04**

Indifference to human life, **26.06**

Premeditation, **26.02**

Second degree

Generally, **27.02**

Felony murder, **27.04**

Extreme indifference to human life

Generally, **26.05**



## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Murder—Cont'd

Extreme indifference to human life—Cont'd

Elements, **26.06**

Felony murder

Generally, **26.03**

Elements, **26.04**

Multiple participants, commission of felony, defenses, **19.01**

Second degree

Generally, **27.03**

Elements, **27.04**

First degree

Generally, **26.01 et seq.**

Aggravated first degree murder, **30.00 et seq.**, **30.01 et seq.**

Indifference to human life

Elements, **26.06**

First degree, **26.05**

Multiple participants, commission of felony, defenses, **19.01**

Premeditation

Generally, **26.01.01**

Elements, **26.02**

Second degree, **27.01 et seq.**

Natural consequences of acts, intentions, presumptions, **6.25**

Necessary, defined, justifiable homicide, **16.05**

Necessity, defenses, **18.02**

Neglect or abuse, homicide by abuse, elements, **29.04**

Negligence

Criminal negligence, manslaughter, second degree, **28.05**, **28.06**

Defined, negligent driving, **96.03**

Disregard for safety of others, vehicular homicide, **90.05**

Negligent driving, **96.01 et seq.**

Ordinary negligence, vehicular homicide, distinguished, **90.05**

Negligent driving, generally, **96.01 et seq.**

No-contact or protection order, special verdict, enhanced penalties

Generally, **36.54**

Form, **36.55**

Notetaking by jurors, **4.62**, **4.63**

Notice or knowledge

Controlled substances, unwitting possession, special defenses, **52.01**

Criminal trespass

First degree, element, **60.16**

Second degree, element, **60.18**

Definitions, **10.02**

Extortion, first degree, element, **76.02**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Notice or knowledge—Cont'd

Hit and run

Attended vehicle, element, **97.04**

Injury or death, element, **97.02**

Other property, **97.07 et seq.**

Unattended vehicle, element, **97.06**

Obstructing public servant, element, **120.02**

Perjury, inconsistent statements, **118.22**

Possessing stolen property

First degree, element, **77.02**

Possessing stolen access devices, presumption, **77.15**

Second degree, element, **77.06**

Third degree, element, **77.11**

Rendering criminal assistance, third degree, element, **120.13**

Taking motor vehicle without permission, element, **74.02 et seq.**

Oaths and affirmations

Defined, **118.15**

Interpreters, **4.65**

Obscuring identity of machine, **78.01**

Obstructing governmental operation, generally, **120.01 et seq.**

Obstructing law enforcement officer

Defined, **120.01**

Elements, **120.02**

Occupations and professions, expert witnesses, **6.51**

Officers and employees

Community corrections officers or employees, custodial assault

Generally, **35.42**

Elements, **35.43**

Definitions, **2.14**

Justifiable homicide, **16.01**

Lawful force, charges other than homicide, defenses, **17.01**

Trading in public office, **115.20 et seq.**

Official proceeding, defined, perjury, **118.16**

Omissions, defined, **2.15**

Operating motor vehicle after consuming alcohol while under age twenty-one

Defined, **92.04**

Elements, **92.05**

Opinions

Consultation among jurors, capital punishment, **31.04**

Deliberations, consultation among jurors, effect, **1.04**

Expert witnesses, **6.51**

Out of court statements

Codefendants, admissions or incriminating statements, **6.42**

Defendants, **6.41**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Paraphernalia

Animal fighting, **135.28**

Controlled substances, **50.30, 50.31**

#### Parents

First degree, **39.22, 39.23, 39.23.01**

Second degree, **39.26**

#### Parks and recreation

Controlled substances, enhanced sentences, **50.60, 50.65**

Public Parks, this index

Parole and probation, life without parole, **31.06**

Payment, unlawful issuance of bank check, **73.01 et seq.**

#### Peace officers

Defined, **2.16**

Entrapment, **18.05**

Justifiable homicide, **16.01**

Lawful force, resisting officer, charges other than homicide, defenses,  
**17.02.01**

#### Pecuniary benefit

Bribery, **115.01**

Defined, **2.17**

Unlawful compensation, **115.10 et seq.**

#### Perjury

Evasive and misleading testimony, distinguished, **118.21.01**

##### First degree

Generally, **118.01**

Elements, **118.02**

Inconsistent statements, **118.22**

##### Material statements

Defined, **118.17**

Inconsistent statements, **118.22**

Proof, requirements, **118.12**

Retraction, **118.20**

##### Second degree perjury

Generally, **118.05**

Elements, **118.06**

Statement of what one does not know to be true, **118.21**

#### Permitting prostitution

Generally, **48.07**

Elements, **48.08**

#### Person, defined, **2.18**

#### Person with supervisory authority

Abuse of supervisory position, defined, **45.09**

##### Definitions

Generally, **45.11**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Person with supervisory authority—Cont'd

Definitions—Cont'd

Abuse of supervisory position, defined, **45.09**

Rape, second degree, developmentally disabled victim, perpetrator, **41.01, 41.02**

Petrich instruction, jury unanimity, **4.25**

Physical damage, defined, malicious mischief, **88.03**

Physical injuries, malicious harassment, elements, **36.02**

Physical injury, defined, **2.03**

Pistols

Carrying

Generally, **133.03, 133.04**

Motor vehicles, loaded pistols, **133.05.01**

Concealed weapons, carrying, **133.04**

Defined, **133.50**

Motor vehicles

Loaded pistol, **133.05.01**

Unloaded pistol, **133.05**

Unlawful delivery of firearm, **133.07**

Poison, assault

First degree

Generally, **35.05**

Elements, **35.06**

Second degree, elements, **35.14**

Police

Attempting to elude a pursuing police vehicle, **94.01 et seq.**

Lawful force, resisting officer, charges other than homicide, defenses, **17.02.01**

Political subdivisions, governmental function, defined, **2.12**

Possessing stolen access devices, presumption, **77.15**

Possessing stolen firearm

Defined, **77.12**

Elements, **77.13**

Possession

Dangerous weapons

Generally, **133.30**

Elements, **133.31**

Defined

Controlled substances, **50.01, 50.03**

Weapons, **133.52**

Depictions of minor engaged in sexually explicit conduct, defenses, **19.04.04**

Forged instruments, elements, **130.03**

Possession of stolen property

Generally, **77.01 et seq.**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

- Possession of stolen property—Cont'd
  - Firearms. Possession of stolen firearm, above
  - Motor vehicles, **77.20, 77.21**
  - Possessing stolen access devices, presumption, **77.15**
  - Third degree
    - Generally, **77.10**
    - Elements, **77.11**
- Powers and duties, public assistance, recipients, **70.17**
- Prejudice. Bias or prejudice, above
- Premeditation, murder
  - Generally, **26.01.01**
  - Elements, **26.02**
- Premises, defined, **65.01**
- Preponderance of evidence
  - Compounding, **19.11**
  - Insanity, **20.02**
  - Kidnapping, second degree, defenses, **19.02**
  - Rape, second degree or indecent liberties, defenses, **19.03**
  - Self-defense, reimbursement, special verdict form, **190.07**
  - Sexual offenses, **19.03 et seq.**
  - Special statutory defenses, **19.01 et seq.**
- Prescriptions
  - Controlled substances, prescription, defenses
    - Generally, **52.02**
    - Negligent driving, **96.20**
  - Legend drugs, prescription
    - Generally, **55.01**
    - Possession, sale or delivery, **55.06**
- Presumptions
  - Capital punishment, leniency, **31.05**
  - Innocence, **4.01, 4.01A**
  - Natural consequences of acts, intention, **6.25**
  - Possessing stolen access devices, **77.15**
  - Unlawful issuance of bank check, intent, **73.10**
- Prior convictions
  - Evidence, impeachment, **4.64**
  - Impeachment, defendant, **5.05**
- Prisoners
  - Defined, **2.20**
  - State prisoners, failure to return to work release facilities, **120.37, 120.38**
- Probability of verdict, generally, **4.70**
- Probation and parole, life without parole, **31.06**
- Professions and occupations
  - Expert witnesses, **6.51**

**INSTRUCTIONS TO JURY—Cont'd**

Professions and occupations—Cont'd

Physicians and Surgeons, this index

Profit

Defined, controlled substances, **50.17**

Prostitution, profits from prostitution, **48.11**

Promoting prostitution

Generally, **48.03 et seq.**

Children and minors, first degree, **48.04.01**

First degree, **48.03 et seq.**

Second degree

Generally, **48.05**

Elements, **48.06**

Threat or force, first degree, **48.04**

Property

Appropriating lost or misdelivered property or services, defined, **79.05**

Defined, **2.21**

Extortion

Generally, **76.01 et seq.**

First degree, damage, **76.02**

Hate crimes, elements of threat of harm to person or property, **36.93**

Malicious harassment

Harm to person or property, placing victim in fear, elements, **36.03**

Physical harm or destruction, elements, **36.04**

Rape, third degree, threatened harm, **42.01, 42.02**

Reckless burning

Generally, **83.01 et seq.**

Defenses, **19.05**

Prostitution

Generally, **48.01**

Advanced prostitution, **48.11**

Advances a sexually explicit act of a minor, definition, **48.25**

Advances commercial sexual abuse of a minor, definition, **48.24**

Children and Minors, this index

Commercial sexual abuse of a minor, **48.20, 48.21**

Compensation and salaries, profits from prostitution, **48.11**

Defenses, **19.04.06**

Defined, **48.01**

Elements, **48.02**

Patron, commercial sexual abuse of a minor, **48.27**

Patronizing a prostitute, **48.09, 48.10**

Permitting prostitution

Generally, **48.07**

Elements, **48.08**

Profits from commercial sexual abuse of a minor, definition, **48.28**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Prostitution—Cont'd

Promoting commercial sexual abuse of a minor, definition, **48.22, 48.23**

#### Promoting prostitution

Generally, **48.03 et seq.**

Children and minors, first degree, person under 18, elements, **48.04.01**

First degree, **48.03 et seq.**

Person under 18, elements, **48.04.01**

Second degree

Definition, **48.05**

Elements, **48.06**

Threat or force, elements, **48.04**

Sexual conduct, definition, **48.12**

Sexually explicit act, definition, **48.26**

Special verdicts, rape of a child or child molestation in return for a fee, **190.14**

Protective order, defined, stalking, **36.26**

#### Proximate cause

Defined, homicide, **25.02**

Homicide, **25.02**

Vehicular assault, **91.05**

Vehicular homicide, **90.07**

Public assistance, public assistance fraud, theft, **70.15 et seq.**

Public disturbances, generally, **126.01 et seq.**

Public housing project, defined, controlled substances, enhanced sentences, **50.68**

Public parks, defined, **50.65**

#### Public servants

Bribery, requesting or accepting, **115.03**

Defined, **2.22**

Making false or misleading statement to, **120.03 et seq.**

#### Obstructing public servant

Generally, **120.01**

Elements, **120.02**

#### Pecuniary benefit

Bribery, **115.03**

Requesting unlawful compensation, **115.10, 115.11**

Trading in public office, **115.20 et seq.**

#### Requesting unlawful compensation

Generally, **115.10**

Elements, **115.11**

Trading in public office, **115.20 et seq.**

Trading in special influence, **115.25 et seq.**

Unlawful compensation, **115.10 et seq.**

Public transit vehicle, defined, **50.66**

Purpose, evidence limited as to, **4.64.01**

**INSTRUCTIONS TO JURY—Cont'd**

Racing, defined, reckless driving, **95.04**

Rape

Generally, **40.01 et seq.**

Child. Rape of a Child, this index

Consent, first or second degree, **18.25**

Defenses, **19.03 et seq.**

Definitions, **45.01 et seq.**

Elements, **40.02**

First degree, **40.01 et seq.**

Minor. Rape of a Child, this index

Second degree rape

Generally, **41.01**

Elements, **41.02**

Special verdicts, rape of a child or child molestation in return for a fee, **190.14**

Statutory rape

Defenses, **19.03.01**

Elements

First degree, **44.02**

Second degree, **44.04**

First degree, **44.01**

Health care provider, **19.03.02**

Introduction, **44.00 et seq.**

Second degree, **44.03, 44.04**

Third degree

Generally, **42.01**

Elements, **42.02**

Rape of a child

Defenses, **19.04**

First degree

Generally, **44.10**

Elements, **44.11**

Second degree

Generally, **44.12**

Elements, **44.13**

Third degree

Generally, **44.14**

Elements, **44.15**

Real estate, definitions, burglary, **65.01**

Reasonable doubt

Generally, **4.01, 4.01A**

Capital punishment, sentencing phase, **31.05**

Receive, defined, **79.09**

Recess, admonition before recess, **4.61**

Reckless burning. Arson and related offenses, above



## INDEX

### INSTRUCTIONS TO JURY—Cont'd

- Reckless driving
  - Generally, **95.01 et seq.**
  - Defined, **95.01**
  - Elements, **95.02**
  - Embracing, inference, **95.05**
  - Excessive speed, **95.04**
  - Inferences
    - Embracing, **95.05**
    - Excessive speed, **95.04**
  - Racing, **95.04**
- Reckless endangerment
  - Generally, **35.32 et seq.**
  - Definition, **35.32**
  - First degree, **35.32 et seq.**
  - Second degree, **35.33**
- Reckless manner, defined, vehicular assault, **91.03**
- Recklessness
  - Assault of child, reckless infliction of great bodily harm, elements, **35.35.02**
  - Burning. Arson and related offenses, above
  - Defined, **10.03**
  - Driving. Reckless driving, above
  - Endangerment. Reckless endangerment, above
  - Manslaughter, first degree, **28.01**
  - Reckless Driving, this index
- Records and recordation, damaged computer records or programs, defined, malicious mischief, **88.04**
- Recovery, insanity, time of trial, **20.07**
- Relatives
  - Custodial interference
    - First degree, **39.20, 39.21**
    - Second degree, **39.24, 39.25**
  - Parents, above
  - Rendering criminal assistance, special verdict, **120.14**
- Release, bail jumping, **120.40, 120.41**
- Rendering criminal assistance
  - Generally, **120.10 et seq.**
  - First degree
    - Generally, **120.10**
    - Elements, **120.11**
  - Second degree
    - Generally, **120.11.01**
    - Elements, **120.11.02**
  - Special verdicts
    - Generally, **120.14, 120.15**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Rendering criminal assistance—Cont'd

Special verdicts—Cont'd

Form, **190.04**

Third degree

Generally, **120.12**

Elements, **120.13**

Rentals, criminal possession of leased or rented machinery, equipment or motor vehicles, **70.20 et seq.**

Repeatedly, defined, stalking, **36.24**

Reports and reporting. False reporting, above

Reputation

Defendants, **6.12**

Truth and veracity, **6.11**

Residential burglary

Generally, **60.02.01**

Elements, **60.02.02**

Resisting arrest

Generally, **120.05**

Elements, **120.06**

Restraint, unlawful imprisonment, **39.15, 39.16**

Retail Theft

Generally, **71.01 et seq.**

Elements, **71.02 et seq.**

Extenuating circumstances, **71.30-71.35**

First degree, **71.01 et seq.**

Intent to resell, **71.01-71.04**

Organized retail theft, **71.10-71.19**

Second degree, **71.03 et seq., 71.13 et seq., 71.32 et seq.**

Special circumstances, **71.30-71.35**

Third degree, **71.34 et seq.**

Retraction, perjury and false swearing, **118.20**

Retreat

Justifiable homicide, **16.08**

Lawful force, charges other than homicide, **17.05**

Riots, generally, **126.01 et seq.**

Robbery

Generally, **37.01 et seq.**

Defined, **37.50**

Financial institutions, **37.51**

First degree

Generally, **37.01**

Elements, **37.02**

Second degree

Generally, **37.03**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

- Robbery—Cont'd
  - Second degree—Cont'd
    - Elements, **37.04**
- Sales of controlled substances
  - Generally, **50.15 et seq.**
  - Authorization by law, **52.03**
- Scene
  - Accident, hit and run, **97.01 et seq.**
  - View
    - Generally, **4.51**
    - Admonition before visiting site, **4.71**
- School buses
  - Controlled substances, **50.63**
  - Defined, controlled substances, **50.63**
  - Drivers, assault, third degree, elements, **35.23.03**
  - Route stops, defined, controlled substances, **50.64**
- Schools and school districts
  - Buses. School buses, above
  - Controlled substances, enhanced sentences, **50.62**
  - Definitions, controlled substances, **50.62**
  - Sexual misconduct, **44.34**
- Seals, written instrument, defined, forgery, **130.10**
- Second degree offenses
  - Arson, above
  - Assault, generally, **35.10 et seq.**
  - Burglary, above
  - Child molestation, above
  - Custodial interference, generally, **39.24 et seq.**
  - Extortion
  - Kidnapping, above
  - Murder, above
  - Perjury, above
  - Possession of stolen property, above
  - Rape, above
  - Rendering criminal assistance, above
  - Sexual misconduct with a minor, below
  - Theft, below
  - Theft of livestock, second degree, below
- Self-defense
  - Aggressors, **16.04**
  - Justifiable homicide, **16.02**
  - Lawful force, charges other than homicide, defenses, **17.02**
  - Reimbursement. Self-defense reimbursement, below

**INSTRUCTIONS TO JURY—Cont'd**

- Self-defense reimbursement
  - Generally, **17.06**
  - Concluding instruction, **17.06.01**
  - Special verdict, form, **190.07**
- Sentencing
  - Capital punishment, above
  - Enhanced sentence, controlled substances, **50.60 et seq.**
  - Life without parole, **31.06**
- Separate and distinct acts
  - Jury unanimity, petrich instruction, **4.25**
  - Petrich instruction, jury unanimity, **4.25**
- Service of process, resistance, assault, third degree, **35.21**
- Services
  - Access device, defined, theft, **79.07**
- Theft
  - Generally, **79.06**
  - Appropriating lost or misdelivered property or services, **79.05**
- Sexual conduct
  - Defined, **48.12**
  - Extortion, **76.01 et seq.**
- Sexual contact, defined, rape, **45.07**
- Sexual depictions of minors
  - Generally, **49A.01 et seq.**
  - Dealing, **49A.05-49A.08.02**
  - Elements, **49A.02**
  - Live performance defined, **49A.12**
  - Photograph defined, **49A.11**
  - Possession, **49A.03, 49A.04**
  - Visual or printed matter defined, **49A.10**
- Sexual intercourse, defined, rape, **45.01**
- Sexual misconduct with a minor
  - Abuse of a supervisory position, defined, **45.09**
- Defenses, **19.04.01**
- First degree
  - Generally, **44.30 et seq.**
  - Elements, **44.31**
- Second degree
  - Generally, **44.32 et seq.**
  - Elements, **44.33**
- Sexual contact, defined, **45.07**
- Significant relationship, defined, **45.08**
- Sexual motivation
  - Defined, **2.26**
  - Special verdict, **190.08**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Sexual offenses

Generally, **40.01 et seq.**

Defenses, **19.03 et seq.**

Indecent exposure, **47.01 et seq.**

Sheep, theft of livestock, **75.01 et seq.**

Signals, police officers, signal to stop, attempting to elude a pursuing police vehicle, **94.01, 94.02**

#### Signatures

Defined, **2.23**

Obtaining signature by deception or duress

Generally, **130.05**

Elements, **130.06**

Significant relationship, defined, rape, **45.08**

Single count, multiple criminal acts, elements of crime, jury unanimity, **4.25**

#### Solicitation

Generally, **105.01**

Elements, **105.02**

#### Special verdicts

Aggravated first degree murder, **30.04**

Capital punishment, sentencing, **31.09**

#### Concluding instructions

Penalty enhancements, **160.00**

Weapons, form, **190.02**

Controlled substances, enhanced sentence, **50.61**

Deadly weapon, definitions, **2.07 et seq.**

Forms, **190.01 et seq.**

#### Insanity

Burden of proof, **20.08**

Form, **190.03**

Murder, aggravated first degree, **30.03**

Self-defense reimbursement, form, **190.07**

Sexual motivation, form, **190.08**

#### Stalking

Generally, **36.20 et seq.**

Dangerous weapons, above

Elements, **36.21**

Enhanced sentence, **36.28, 36.29**

Felony, **36.21.01 et seq.**

Gross misdemeanor, **36.20, 36.21**

Official capacity in legal system, victim with, **36.21.06**

Previous stalking conviction, **36.21.04**

Protective order, violation of, **36.21.03**

Weapon, armed with, **36.21.05, 36.27.01**

Witness in adjudicative proceeding, **36.21.07**

**INSTRUCTIONS TO JURY—Cont'd**

- State assistance, public assistance fraud, **70.15 et seq.**
- State prisoners, failure to return to work release facilities
  - Generally, **120.37**
  - Elements, **120.38**
- Statutory defenses, generally, **19.01 et seq.**
- Statutory rape
  - Defenses, **19.03.01**
  - First degree, **44.01**
  - Health care provider, **19.03.02**
  - Introduction, **44.00**
  - Second degree, **44.03, 44.04**
- Stipulations
  - Admission of evidence, **4.76**
  - Undisputed facts or elements of offense, **4.77**
- Stolen, defined, **79.08**
- Stop shelter, defined, controlled substances, **50.66**
- Substantial bodily harm
  - Assault
    - Assault of child, first degree, elements, **35.35.03**
    - Second degree, elements, **35.12, 35.13**
  - Defined, **2.03.01**
- Substantial step
  - Criminal conspiracy, **110.03**
  - Defined, **100.05, 110.03**
- Substitution, changed instruction of law, **4.68.01**
- Suffering
  - Assault, third degree, elements, **35.24**
  - Torture, assault, second degree, **35.18**
- Supplemental instructions, generally, **4.68**
- Swine, theft of livestock, **75.01 et seq.**
- Taking motor vehicle without permission
  - Generally, **74.00 et seq.**
  - Riding, elements, **74.04**
  - Taking, elements, **74.03**
- Tampering with a witness
  - Defined, **115.80**
  - Elements, **115.81**
- Telephone harassment
  - Generally, **36.71 et seq.**
  - Felony, **36.73 et seq.**
  - Gross misdemeanor, **36.71, 36.72**
  - Previous conviction, **36.74**
  - Threat to kill, **36.75**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Theft

Generally, **70.01 et seq.**

Access device or public record, **70.06.01**

Criminal possession of leased or rented machinery, equipment, or motor vehicles, **70.20 et seq.**

Defenses, **19.08**

Definitions, **79.01 et seq.**

#### First degree

Generally, **70.01**

Elements, **70.02**

#### Livestock

Definitions, **75.01, 75.03**

Elements, **75.02, 75.04**

First degree, **75.01, 75.02**

Second degree, **75.03, 75.04**

Motor vehicle, **70.25, 70.26**

Public assistance fraud, **70.15 et seq.**

#### Second degree

Generally, **70.05**

Elements, **70.06**

#### Third degree

Generally, **70.10**

Elements, **70.11**

#### Weapons

Defined, **70.12**

Elements, **70.13**

Theft of livestock. Theft, above

Third degree assault, generally, **35.20 et seq.**

#### Third degree offenses

Child molestation, above

Possession of stolen property, above

Rape, above

Rape of a child, above

Rendering criminal assistance, above

Theft, above

#### Third parties

Defense of others, justifiable homicide

Generally, **16.02**

Aggressor, **16.04.01**

Evidence, suppression or false evidence, **5.11**

Harassment, **36.06**

Homicide, proximate cause, conduct of another, **25.03**

Malicious harassment

Generally, **36.01**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Third parties—Cont'd

Malicious harassment—Cont'd

Elements, **36.03**

Threat, defined, intimidating a witness, **115.52**

Threatening to bomb or injure property

Defined, **86.01**

Elements, **86.02**

Threats

Defined, **2.24**

Promoting prostitution, first degree, **48.04**

Time

Insanity

Recovery, time of trial, **20.07**

Time of offense, **20.01**

Title page, generally, **1.01.01**

Torture, assault, second degree, elements, **35.18**

Traffic rules and regulations, vehicle, defined, **98.01**

Transit authorities

Controlled substances, enhanced sentences, **50.66**

Officers and employees, assault, third degree

Elements, **35.23**

Treatment, defined, rape, **45.13**

Trespass, criminal

Defenses

First degree, **19.06**

Second degree, **19.07**

Elements

First degree, **60.16**

Second degree, **60.18**

Unanimity

Election to specify particular act, **4.26**

Multiple criminal acts, single count, elements of crime, **4.25**

Self-defense, reimbursement, unanimity not necessary, **17.06.01**

Unlawful compensation

Granting unlawful compensation, **115.15, 115.17**

Public servants, **115.10 et seq.**

Receiving unlawful compensation, **115.15, 115.16**

Requesting unlawful compensation, **115.11**

Unlawful imprisonment

Generally, **39.15**

Elements, **39.16**

Unlawful issuance of bank check

Generally, **73.01 et seq.**

Common scheme or plan, **73.20**



## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Unlawful issuance of bank check—Cont'd

Credit, defined, **79.10**

Defined

Felony, **73.01**

Gross misdemeanor, **73.03**

Felony

Generally, **73.01**

Elements, **73.02**

Value, gross misdemeanor, element, **73.04**

#### Value

Defined, theft, **79.20**

Gross misdemeanor, element, **73.04**

Possessing stolen property

First degree, element, **77.02**

Second degree, element, **77.06**

Third degree, element, **77.11**

#### Theft

Criminal possession of leased or rented machinery, equipment, or motor vehicles, element, **70.21**

Definitions, **79.20**

First degree, element, **70.02**

Public assistance fraud, element, **70.16**

Second degree, element, **70.06**

Third degree, element, **70.11**

Unlawful issuance of bank check, gross misdemeanor, element, **73.04**

Vehicle prowling, gross misdemeanor, **61.03, 61.04**

Vehicles, defined, **2.25**

Vehicular assault, generally, **91.01 et seq.**

Vehicular homicide, generally, **90.01 et seq.**

#### Verdicts

General, forms

Generally, **180.01**

Lesser degree/lesser included crime/attempted crime

Generally, **180.05**

Three degrees, **180.06**

Insanity, above

Not guilty by reason of insanity, **20.02**

Probability, **4.70**

#### Victims

Homicide, proximate cause, **25.03**

Indecent exposure

Under fourteen years, **47.03, 47.04**

Fourteen years or older, **47.01, 47.02**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Victims—Cont'd

Malicious harassment, harm to person or property, placing victim in fear,  
**36.03**

Retreat, attack, justifiable homicide, **16.08**

View of scene

Generally, **4.51**

Admonition before visiting site, **4.71**

Voir dire, capital punishment, advance oral instructions, **31.01**

Voluntary intoxication

Generally, **18.10**

Defenses, **18.10**

Insanity, **20.04**

Volunteers, community corrections volunteers, custodial assault

Generally, **35.44**

Elements, **35.45**

Voyeurism

Generally, **43.01**

Film, **43.03**

Reasonable expectation of privacy, **43.04**

Surveillance, **43.05**

View, **43.06**

Vulnerable adults, defined, **45.14**

Wanton, defined, reckless driving, **95.10**

Wanton or willful disregard for the lives or property of others, attempting to  
elude pursuing police vehicle, **94.01 et seq.**

Warnings. Admonitions, above

Weapons and firearms

Aiming, **133.20, 133.21**

Assault, first degree

Generally, **35.07**

Elements, **35.08**

Carrying concealed weapon

Generally, **133.35**

Element, **133.36**

Pistols, **133.04**

Definitions, **2.06.01, 2.07.02, 2.10, 2.10.01**

Discharging, **133.20, 133.22**

Mental illness, previously committed persons, unlawful possession, **133.08,**  
**133.09**

Possessing stolen firearm

Defined, **77.12, 77.20, 77.21**

Elements, **77.13**

Possession

Generally, **133.30**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Weapons and firearms—Cont'd

##### Possession—Cont'd

Dangerous weapons, **133.30, 133.31**

Defined, **133.52**

Elements, **133.31**

Stolen firearms. Possessing stolen firearm, above

Reckless conduct, discharging firearm from motor vehicle, inferences, **35.30.01**

Robbery, first degree, **37.01, 37.02**

Serious offense, defined, **133.53**

Short firearm, defined, **133.50**

Special verdict, defined, **2.07.02**

##### Theft

Defined, **70.12**

Elements, **70.13**

Possessing stolen firearm, above

##### Unlawful possession

Generally, **133.01 et seq.**

Children and minors, above

First degree, **133.01, 133.02**

Person who has been committed, **133.08, 133.09**

#### Weight of evidence

Defendants, out of court statements, **6.41**

Expert witnesses, **6.51**

Testimony, credibility, **6.01**

#### Welfare, public assistance fraud, **70.15 et seq.**

Willfully, defined, obstructing law enforcement officer, **120.02.01**

Willfully neglected, defined, **70.22**

#### Willful or wanton

Attempting to elude a pursuing police vehicle, element, **94.02**

Defined, reckless driving, **95.10**

##### Definitions

Generally, **10.05**

Escape, **120.39**

Disregard of lives or property of others, reckless driving, **95.02**

Without lawful authority, defined, stalking, **36.27**

#### Witnesses

Accomplices, testimony, **6.05**

Credibility, **6.01**

Evasive testimony, **118.21.01**

Expert witnesses, **6.51**

Failure to produce witness, **5.20**

Impeachment, prior conviction, **5.06**

Introduction, failure, **5.20**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**INSTRUCTIONS TO JURY—Cont'd**

Witnesses—Cont'd

Misleading testimony, **118.21.01**

Questions by jurors addressed to, **4.66**

Words and phrases

Abduct, **39.30**

Abuse of a supervisory position, **45.09**

Access device, theft, **79.07**

Accomplice, **10.51**

Actor, **2.01**

Advanced prostitution, **48.11**

Alcohol or THC concentration, driving or being in physical control while under the influence, **92.12**

Appropriating lost or misdelivered property or services, theft, **79.05**

Arson in first degree, **83.01**

Arson in second degree, **83.05**

Assault, **35.50**

Assault in fourth degree, **35.25**

Assault in second degree, **35.10**

Assault in third degree, **35.20**

Assault of a child, **35.34**

Assault of a child in second degree, **35.36**

Assault of child in third degree, **35.38**

Attempt, **100.01**

Attended vehicle, hit and run, **97.03**

Bail jumping, **120.40**

Being in actual physical control, **92.11**

Benefit, **2.02**

Bigamy, **46.01**

Bodily harm, **2.03**

Bodily injury, **2.03**

Bribe receiving by a witness, **115.40**

Bribery, **115.01**

Bribing a witness, **115.30**

Building, **2.05, 88.01**

Burglary in first degree, **60.01**

Burglary in second degree, **60.04**

By color or aid of deception, theft, **79.03**

Carrying concealed weapon, **133.35**

Child molestation in second degree, **44.22**

Child molestation in third degree, **44.24**

Circumstantial evidence, **5.01**

Civic center, controlled substances, enhanced sentences, **50.67**

Common school, controlled substances, **50.62**

Compounding, **120.20**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Words and phrases—Cont'd

Consent, rape, **45.04**  
Controlled substances homicide, **29.01**  
Credit, unlawful issuance of bank checks, **79.10**  
Crime of violence, **133.51**  
Criminal negligence, **10.04**  
Criminal trespassing first degree, **60.15**  
Criminal trespass in second degree, **60.17**  
Current or prospective witness, intimidating a witness, **115.53**  
Custodial assault, **35.40**  
Damages, arson, **88.02**  
Damage to computer records or programs, malicious mischief, **88.04**  
Deadly weapon, **2.06 et seq.**  
Deception, theft, **79.04**  
Deliver, controlled substances, **50.07**  
Developmentally disabled, **45.10**  
Direct evidence, **5.01**  
Disregard for safety of others, vehicular homicide, **90.05**  
Drive-by shooting, **35.30**  
Driving or being in physical control while under the influence, **92.01**  
Dwelling, **2.08**  
Enter, burglary, **65.03**  
Enters or remains unlawfully, burglary, **65.02**  
Escape, second degree, **120.30**  
Escape, third degree, **120.35**  
Escape from custody, **120.25**  
Escape from custody in first degree, **120.25**  
Escape from work release facility, **120.27**  
Escape in second degree, **120.30**  
Escape in third degree, **120.35**  
Excusable homicide, **15.01**  
Exerting an authorized control, theft, **79.02**  
Exhibiting effects of having consumed an illegal drug, negligent driving, **96.11**  
Exhibiting effects of having consumed liquor, negligent driving, **96.10**  
Extortion in first degree, **76.01**  
Extortion in second degree, **76.05**  
Extreme indifference to human life, **26.05**  
Failure to return to work release facility, **120.37**  
Falsely alter, **130.13**  
Falsely complete, **130.12**  
Falsely make, **130.11**  
False swearing, **118.10**  
Family or household member, **2.27**  
Feloniously enters a building, **40.03**

**INSTRUCTIONS TO JURY—Cont'd**

Words and phrases—Cont'd

Firearm, **2.10, 2.10.01**  
Follows, stalking, **36.22**  
Forcible compulsion, **45.03**  
Forged instrument, **130.14**  
Forgery, **130.01**  
Former witness, intimidating a witness, **115.54**  
Government, **2.11**  
Governmental function, **2.12**  
Great bodily harm, **2.04, 35.03**  
Great personal injury, **2.04.01**  
Gross misdemeanor, **36.06, 36.07**  
Harass, stalking, **36.23**  
Harassment, **36.06**  
Health care provider, rape, **45.12**  
Hit and run, **97.01**  
Homicide, **25.01**  
Human immunodeficiency virus, **35.52**  
Illegal drug, negligent driving, **96.12**  
Incest in first degree, **46.03**  
Incest in second degree, **46.05**  
Indecent exposure, **47.01, 47.03**  
Indecent liberties, **49.01**  
Indifference to human life, **26.05**  
Intent, **10.01**  
Intentionally, **10.01**  
Intent to intimidate or harass, inference, **36.25**  
Interference with reporting of domestic violence offense, **36.56**  
Intimidating a witness, **115.50, 115.52**  
Justifiable homicide, **16.01 et seq.**  
Kidnapping in first degree, **39.01**  
Knowingly, **10.02**  
Knowledge, **10.02**  
Lawful arrest, **120.07**  
Lawful force, justifiable homicide, **16.06**  
Luring, **39.40**  
Making false or misleading statement to public servant, **120.03**  
Making or having burglary tools, **60.10**  
Malice, **2.13**  
Malicious harassment, **36.01**  
Maliciously, **2.13**  
Malicious mischief, third degree, **85.10.01**  
Manslaughter in first degree, **28.01**  
Manslaughter in second degree, **28.05**

## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Words and phrases—Cont'd

Manufacture, controlled substances, **50.12**

Married, rape, **45.06**

Material statement, perjury, **118.17**

Mental incapacity, rape, **45.05**

Mitigating circumstance, **31.07**

Murder, **26.01**

Murder in first degree, **26.01, 26.03, 26.04.01**

Murder in second degree, **27.01, 27.03**

Necessary, justifiable homicide, **16.05**

Negligence, negligent driving, **96.03**

Negligent driving, **96.03**

Oath, **118.15**

Obscuring identity of machine, **78.01**

Obstructing public servant, **120.01**

Obtaining signature by deception or duress, **130.05**

Officer, **2.14**

Official proceeding, perjury, **118.16**

Omission, **2.15**

Operating motor vehicle after consuming alcohol while under age twenty-one, **92.04**

Ordinary negligence, vehicular homicide, **90.05**

Patronizing a prostitute, **48.09**

Peace officer, **2.16**

Pecuniary benefit, **2.17**

Perjury in first degree, **118.01**

Perjury in second degree, **118.05**

Permitting prostitution, **48.07**

Person, **2.18**

Person with supervisory authority, **45.11**

Physical damage, malicious mischief, **88.03**

Physically helpless, rape, **45.05**

Possessing stolen firearm, **77.12**

Possessing stolen property in first degree, **77.01**

Possessing stolen property in second degree, **77.05**

Possessing stolen property in third degree, **77.10**

Possession, controlled substances, **50.03**

Premeditated, murder, **26.01.01**

Premises, burglary, **65.01**

Price, controlled substances, **50.17**

Prison, **2.19**

Prisoner, **2.20**

For profit, controlled substances, **50.17**

Profits from prostitution, **48.11**

**INSTRUCTIONS TO JURY—Cont'd**

Words and phrases—Cont'd

Promoting prostitution, **48.03**

Property, **2.21**

Prostitution, **48.01**

Protective order, stalking, **36.26**

Proximate cause, homicide, **25.02**

Public housing project, controlled substances, enhanced sentences, **50.68**

Public officer, **2.14**

Public park, controlled substances, **50.65**

Public servant, **2.22**

Public transit vehicle, controlled substances, **50.66**

Quick child, **35.51**

Racing, **95.04**

Rape in first degree, **40.01**

Rape in second degree, **41.01**

Rape in third degree, **42.01**

Rape of a child in first degree, **44.10**

Rape of a child in second degree, **44.12**

Rape of a child in third degree, **44.14**

Receive, theft, **79.09**

Receiving or granting unlawful compensation, **115.15**

Receiving unlawful compensation, **115.16**

Reckless burning in first degree, **83.01**

Reckless burning in second degree, **83.05**

Reckless driving, **95.01**

Reckless endangerment, **35.32**

Reckless manner, vehicular homicide, **90.05**

Recklessness, **10.03**

Relative, **39.32**

Rendering criminal assistance, **120.10, 120.12, 120.16**

Rendering criminal assistance in first degree, **120.10**

Rendering criminal assistance in second degree, **120.10**

Rendering criminal assistance in third degree, **120.12**

Repeatedly, stalking, **36.24**

Requesting unlawful compensation, **115.10**

Residential burglary, **60.02.01**

Resisting arrest, **120.05**

Restrain, **39.31**

Robbery, **37.50**

Robbery in first degree, **37.01**

Robbery in second degree, **37.03**

Sale, controlled substances, **50.17**

School bus route stop, controlled substances, **50.64**

Services, theft, **79.06**



## INDEX

### INSTRUCTIONS TO JURY—Cont'd

#### Words and phrases—Cont'd

Sexual conduct, prostitution, **48.12**

Sexual contact, rape, **45.07**

Sexual intercourse, rape, **45.01**

Sexual misconduct with a minor in first degree, **44.30**

Sexual misconduct with a minor in second degree, **44.32**

Sexual motivation, **2.26**

Sexual orientation, **36.01.01**

Signature, **2.23**

Significant relationship, rape, **45.08**

Stalking, **36.20**

Stolen, **79.08**

Stop shelter, controlled substances, **50.66**

Substantial bodily harm, **2.03.01**

Substantial step

    Attempt, **100.05**

    Criminal conspiracy, **110.03**

Taking motor vehicle without permission, **74.01**

Tampering with a witness, **115.80**

Theft

    Generally, **79.01**

    First degree, **70.01**

    Livestock in first degree, **75.01, 75.03**

    Livestock in second degree, **75.03**

    Second degree, **70.05**

    Third degree, **70.10**

    Weapons, **70.12**

Threat, **2.24, 115.52**

Threatening to bomb or injure property, **86.01**

Transit authority, controlled substances, **50.66**

Treatment, rape, **45.13**

Unattended vehicle, hit and run, **97.05**

Under the influence of or effected by the use of intoxicating liquor or drugs,  
**92.10**

Unlawful issuance of bank check, **73.01, 73.03**

Value, **79.20**

Vehicle

    Nontraffic cases, **2.25**

    Traffic cases, **98.01, 98.02**

Vehicle prowling in first degree, **61.01**

Vehicle prowling in second degree, **61.03**

Vehicular assault, **91.01**

Violation of domestic violence no-contact order, **36.50**

Violation of domestic violence protection order, **36.52**

**INSTRUCTIONS TO JURY—Cont'd**

Words and phrases—Cont'd

Wanton, reckless driving, **95.10**

Willful, reckless driving, **95.10**

Willfully, **10.05, 120.39**

Willfully, obstructing law enforcement officer, **120.02.01**

Without lawful authority, stalking, **36.27**

Written instrument, **130.10**

Wrongfully obtained, theft, **79.02**

Work release facilities

Escape, first degree, **120.27, 120.28**

State prisoners, failure to return, **120.37**

Elements, **120.38**

Wrongfully obtained, defined, theft, **79.02**

**INSTRUMENTS**

Forgery, **130.01 et seq.**

Obtaining signature by deception or duress

Generally, **130.05**

Elements, **130.06**

Written instrument, defined, forgery, **130.10**

**INTENT**

Arson, first degree, element, **80.02**

Assault

First degree, **35.01 et seq.**

Intent to commit felony, second degree, elements, **35.11**

Second degree, **35.11**

Attempt, **100.01 et seq.**

Bigamy, element, **46.02**

Bribery, element, **115.02**

Burglary

Entering or remaining unlawfully, inferences, **60.05**

First degree, element, **60.02**

Making or having burglary tools, element, **60.11**

Residential burglary, element, **60.02.02**

Second degree, element, **60.04**

Criminal conspiracy, element, **110.02**

Criminal solicitation, element, **105.02**

Definitions, **10.01**

Felony, assault, second degree, elements, **35.16**

Forgery, element, **130.02, 130.03**

Indecent exposure, **47.04**

Legend drugs, sale or delivery, element, **55.04**

Malicious harassment, **36.01 et seq.**

## INDEX

### **INTENT—Cont'd**

#### **Murder**

##### **Premeditation**

Generally, **26.01.01**

Elements, **26.02**

##### **Second degree**

Generally, **27.01**

Elements, **27.02**

Natural consequences of acts, presumptions, **6.25**

Obscuring identity of machine, element, **78.02**

Obtaining signature by deception or duress, element, **130.06**

#### **Rendering criminal assistance**

First or second degree, elements, **120.11**

Third degree, element, **120.13**

Resisting arrest, element, **120.06**

Retail theft, intent to resell, **71.01 et seq.**

Stalking, intent to intimidate or harass, inference, **36.25**

Taking motor vehicle without permission, element, **74.02 et seq.**

#### **Theft**

First degree, element, **70.02**

Retail theft, intent to resell, **71.01 et seq.**

Second degree, element, **70.06**

Third degree, element, **70.11**

#### **Theft of livestock**

First degree, element, **75.02**

Second degree, element, **75.04**

Unlawful display of weapon, intimidation, element, **133.41**

#### **Unlawful issuance of bank check**

Evidence, **73.10**

Felony, element, **73.02**

Gross misdemeanor, element, **73.04**

Presumption, **73.10**

#### **Vehicle prowling**

Generally, **61.01 et seq.**

First degree, element, **61.02**

Second degree, element, **61.04**

### **INTEREST**

Witnesses, weight of testimony, **6.01**

### **INTERFERENCE**

Custodial Interference, this index

### **INTERFERENCE WITH REPORTING OF DOMESTIC VIOLENCE OFFENSE**

Defined, **36.56**

**INTERFERENCE WITH REPORTING OF DOMESTIC VIOLENCE**

**OFFENSE—Cont'd**

Elements, **36.57**

**INTERNET**

Aggravating circumstances, paying to view depictions of minor engaged in sexually explicit conduct, **300.38**

Cyberstalking, this index

**INTERPRETERS**

Generally, **4.65**

**IN THE COMMUNITY**

Defined, **49C.14**

Failure to register as sex or kidnapping offender, **49C.14**

**INTIMATE PARTNER**

Special verdicts, **190.11**

Unlawful possession of firearm, defined, **133.54**

**INTIMIDATING A WITNESS**

Defined, **115.50**

Elements

Threat to current or prospective witness, **115.51.01**

Threat to former witness, **115.51**

Threat to current or prospective witness, elements, **115.51.01**

Threat to former witness, elements, **115.51**

**INTOXICATION**

Defenses, voluntary intoxication, **18.10**

Insanity, **20.04**

**INTRODUCTION**

Pattern Jury Instructions for Criminal Cases, **0.10**

**INTRODUCTORY INSTRUCTIONS**

Generally, **1.01 et seq.**

Advance oral instruction, **1.01**

Beginning of proceedings, **1.01**

Capital punishment, **31.03**

Conclusion of trial, **1.02**

Information, the, **1.03**

Jurors' duty to consult with one another, **1.04**

**INVASION OF PRIVACY**

Aggravating circumstances, **300.25**

**INVOLUNTARY SERVITUDE**

Coercion of involuntary servitude, **39A.08**

Human trafficking, **39A.08**

## INDEX

### **INVOLUNTARY TREATMENT**

Previously committed persons, unlawful possession of firearms, **133.08**  
Special verdicts, forms, **190.05**

### **IRRESISTIBLE IMPULSE**

Generally, **20.05**

### **JOYRIDING**

Taking motor vehicle without permission, **74.01 et seq.**

### **JURISDICTION**

Special verdicts, **190.10**

### **JURORS TAKING NOTES**

Admonitions, **4.62**  
Permissions, **4.63**

### **JURY AND JURY TRIAL**

Alternate Jurors, this index  
Deliberations  
Communications, consultation among jurors, **1.04**  
Consultation among jurors  
Generally, **1.04**  
Capital punishment, **31.04**  
Probability of verdict, **4.70**  
Suggestions for deliberation procedures, **4.73**

### **JUSTIFIABLE DEADLY FORCE IN SELF-DEFENSE**

Defined, **2.04.01**

### **JUSTIFIABLE HOMICIDE**

Generally, **16.01 et seq.**  
Defined, **2.04.01**

### **JUSTIFIED FORCE**

Reimbursement, special verdict, form, **190.075**

### **JUSTIFIED FORCE REIMBURSEMENT**

Concluding instruction, **21.04**  
Oral introductory instruction, **21.03**

### **JUVENILE DELINQUENTS AND DEPENDENTS**

Correctional facilities, custodial assault  
Generally, **35.40**  
Elements, **35.41**

### **KIDNAPPING**

Generally, **39.01 et seq.**  
Defenses, second degree, **19.02**  
Elements, first degree, **39.02**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**KIDNAPPING—Cont'd**

Failure to Register as Sex or Kidnapping Offender, this index

First degree

Generally, **39.01**

Elements, **39.02**

Second degree

Generally, **39.10**

Defenses, **19.02**

Elements, **39.11**

**KNIVES**

Defined, deadly weapons, **2.07.01**

**KNOWLEDGE**

Notice or Knowledge, this index

**LANGUAGE**

Interpreter, **4.65**

**LAW**

Additional instructions of law, **4.68**

Changed instructions, **4.68.01**

Special statutory defenses, **19.01 et seq.**

**LAW ENFORCEMENT**

Aggravating circumstances, **300.31**

**LAW ENFORCEMENT OFFICERS**

Assault

Generally, **35.23.5**

Third degree, elements, **35.23.02**

Attempting to elude a pursuing police vehicle, **94.01 et seq.**

Justifiable homicide, **16.01**

Lawful force, resisting officer, charges other than homicide, defenses, **17.02.01**

Obstructing

Generally, **120.01 et seq.**

Defined, **120.01**

Elements, **120.02**

**LAWFUL ARREST**

Defined, **120.07**

**LAWFUL ASSEMBLY**

Disruption, disorderly conduct, **126.11**

**LAWFUL FORCE**

Generally, **16.06**

Actual danger not necessary, **17.05**

Charges other than homicide, defenses, **17.01 et seq.**

Concluding instruction, self-defense reimbursement, **17.06.01**

## INDEX

### **LAWFUL FORCE—Cont'd**

- Detention, this index
- Justifiable homicide, **16.06**
- Physical discipline of child, defense, **17.07**
- Self-Defense, this index
- Self-defense reimbursement, oral introductory instruction, **17.06.01**

### **LEASES**

- Criminal possession of leased or rented machinery, equipment or motor vehicles, **70.20 et seq.**

### **LEAVING SCENE OF ACCIDENT**

- Hit and Run, this index

### **LEAVING UNLOADED PISTOL IN VEHICLE**

- Elements, **133.05**

### **LEGEND DRUGS**

- Generally, **55.01 et seq.**
- Definitions, **55.01, 55.03, 55.05**
- Delivery
  - Generally, **55.03**
  - Elements, **55.04**
  - Order or prescription, **55.06**
- Elements
  - Possession, **55.02**
  - Prescription, **55.02, 55.04**
  - Sale or delivery, **55.04**
- Possession
  - Generally, **55.01 et seq.**
  - Elements, **55.02**
  - Order or prescription, **55.06**
- Prescription or order, possession, sale or delivery, **55.06**
- Sale
  - Generally, **55.03**
  - Elements, **55.04**
  - Order or prescription, **55.06**

### **LENGTH OF REGISTRATION PERIOD**

- Failure to register as sex or kidnapping offender, **49C.08**

### **LESSER INCLUDED OFFENSES**

- Generally, **4.11**
- Concluding instructions, **155.00**
- General verdict, form, **180.05**

### **LICENSES AND PERMITS**

- Concealed weapons, carrying pistol, elements, **133.04**
- Driving While License Suspended or Revoked, this index

PATTERN JURY INSTRUCTIONS—CRIMINAL

**LIFE IMPRISONMENT**

Capital punishment, life without parole, question for jury, **31.06**

**LIVESTOCK**

First degree theft of

Generally, **75.01, 75.03**

Elements, **75.02**

Theft, **75.01 et seq.**

**LOCATION OF OFFENSE**

Elements, **4.27**

**LURING**

Defense, **19.02.01**

Definition, **39.40**

Elements, **39.41**

**MACHINERY**

Equipment or Machinery, this index

**MAJOR ECONOMIC OFFENSE**

Aggravating circumstances, **300.13**

**MAKING FALSE OR MISLEADING STATEMENT TO PUBLIC SERVANT**

Generally, **120.03 et seq.**

Defined, **120.03**

Elements, **120.04, 120.04 et seq.**

**MALICE**

Definitions, **2.13**

**MALICIOUS HARASSMENT**

Generally, **36.01 et seq.**

Defined, **36.01**

Elements

Harm to person or property, threat of, **36.03**

Physical injury, **36.02**

Property, physical harm or destruction, **36.04**

Inference, threat of harm, **36.05**

Limitations, **36.03.02**

Sexual orientation, defined, **36.01.01**

Threat of harm, limitation, **36.03.02**

**MALICIOUS MISCHIEF**

Common scheme or plan, **85.12**

Definitions, **85.10.01, 88.01 et seq.**

Elements

First degree, **85.02**

Second degree, **85.06**



## INDEX

### **MALICIOUS MISCHIEF—Cont'd**

- Elements—Cont'd
  - Third degree, **85.11, 85.11.01**
- First degree
  - Generally, **85.01**
  - Elements, **85.02**
- Second degree
  - Generally, **85.05**
  - Elements, **85.06**
- Third degree
  - Generally, **85.10, 85.10.10 et seq.**
  - Elements, **85.11**

### **MANIFESTLY DANGEROUS**

- Defined, **88.05**

### **MANSLAUGHTER**

- Homicide, this index

### **MANUFACTURERS AND MANUFACTURING**

- Controlled substances
  - Generally, **50.10 et seq.**
  - Authorization by law, defenses, **52.03**

### **MARIJUANA**

- Concentrate, **50.53**
- Definition, **50.51**
- Infused product, **50.52**
- Medical Marijuana, this index
- Possession, **50.04 et seq.**
- Retail outlet, definition, **50.54**

### **MARIJUANA PLANT**

- Defined, **52.20**

### **MARRIAGE**

- Bigamy, this index
- Definition of married, **45.06**

### **MATERIAL IN LIEU OF CONTROLLED SUBSTANCE**

- Controlled Substances, this index

### **MATERIAL STATEMENTS**

- Defined, perjury, **118.17**
- Inconsistent material statements, perjury, **118.22**

### **MEANS OF IDENTIFICATION**

- Identity theft, **131.11**

**MEDICAL CARE OR TREATMENT**

Physicians and Surgeons, this index

**MEDICAL MARIJUANA**

Generally, **52.10 et seq.**  
Authorization, defined, **52.19**  
Defenses, **52.10 et seq.**  
Designated provider, **52.18**  
Designated provider defense, **52.11**  
Health care professional, **52.17**  
Marijuana plant, defined, **52.20**  
Primary caregiver defense, **52.11.01, 52.11.02**  
Qualifying patient defense, **52.10, 52.13**  
Recognition card, **52.16**  
Sixty-day supply defined, **52.15**  
Terminal or debilitating condition, **52.14**

**MEDICAL PROFESSIONALS**

Physicians and Surgeons, this index

**MEDICAL USE OF MARIJUANA**

Defined, **52.12**

**MENTAL ILLNESS**

Custodial interference, incompetent persons, **39.20 et seq.**  
Definitions, **45.05**  
Previously committed persons, unlawful possession of firearm  
    Generally, **133.7**  
    Elements, **133.09**  
Promoting prostitution, **48.04.02**  
Rape, second degree  
    Belief of defendant, defenses, **19.03**  
    Defenses, belief of defendant, second degree or indecent liberties, **19.03**  
Unlawful possession of firearm, previously committed person  
    Generally, **133.08**  
    Elements, **133.09**

**MENTALLY INCAPACITATED**

Definition, **45.05**

**METAL PROPERTY**

Aggravating circumstances, stolen property, **300.35**  
Theft, first degree, **70.02.02**

**MINORITIES**

Malicious harassment, **36.01 et seq.**

**MINORS**

Children and Minors, this index

## INDEX

### **MISCHIEF**

Malicious Mischief, this index

### **MISDEMEANORS**

Gross Misdemeanor, this index

Malicious mischief, third degree, **85.10.01**

### **MISTAKEN BELIEF**

Hate crimes, **36.95.01**

### **MISTREATMENT**

Criminal Mistreatment, this index

### **MITIGATING CIRCUMSTANCES**

Defined, **31.07**

### **MOBILE HOMES, TRAILER PARKS, AND TOURIST CAMPS**

Defined, **61.05**

Vehicle prowling, **61.01 et seq.**

### **MOLESTATION**

Child Molestation, this index

### **MONEY**

Criminal solicitation, element, **105.02**

### **MOTOR HOMES**

Mobile Homes, Trailer Parks, and Tourist Camps, this index

### **MOTOR VEHICLES**

Aggravating circumstances, driving the wrong way, **300.37**

Attempting to elude a pursuing police vehicle, **94.01 et seq.**

Crimes involving operation of, **89.00**

Criminal possession of leased or rented machinery, equipment or motor vehicles,  
**70.20 et seq.**

Definitions

Nontraffic cases, **2.25**

Traffic cases, **98.01**

Driving the wrong way, aggravating circumstances, **300.37**

Driving while license suspended or revoked, **93.01 et seq.**

Excessive speed, attempting to elude a pursuing police vehicle, **94.04**

Mobile Homes, Trailer Parks, and Tourist Camps, this index

Negligent driving, **96.01 et seq.**

Possessing stolen property, **77.20, 77.21**

Rape, first degree, feloniously entering vehicle, **40.03**

Reasonable belief that pursuer is not a police officer, defenses, **94.10**

Reckless Driving, this index

Taking motor vehicle without permission

Generally, **74.00 et seq.**

Definitions, **74.00.01 et seq.**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**MOTOR VEHICLES—Cont'd**

Taking motor vehicle without permission—Cont'd  
Elements, **74.00.02 et seq., 74.02 et seq.**  
Riding, elements, **74.04**  
Taking, elements, **74.03**  
Theft, **70.25, 70.26**  
Theft tools, making or possessing, **77.40-77.42**  
Vehicle prowling, **61.01 et seq.**  
Vehicular assault, **91.01 et seq.**  
Vehicular homicide, **90.01 et seq.**

**MULES**

Theft of livestock, **75.01 et seq.**

**MULTIPLE COUNTS**

Multiple defendants, **3.03**  
Single defendant, **3.01**

**MURDER**

Generally, **26.01 et seq.**  
Aggravated first degree murder, **30.00 et seq.**  
Definitions  
Aggravated first degree murder, **30.01**  
First degree, **26.01 et seq.**  
Elements  
Aggravated first degree murder, **30.02**  
First degree  
Felony murder, **26.04**  
Indifference to human life, **26.06**  
Premeditation, **26.02**  
Second degree  
Generally, **27.02**  
Felony murder, **27.04**  
Extreme indifference to human life, elements, **26.05, 26.06**  
Felony murder  
Generally, **26.03**  
Elements, **26.04**  
Multiple participants, commission of felony, defenses, **19.01**  
Second degree  
Generally, **27.03**  
Elements, **27.04**  
First degree  
Generally, **26.01 et seq.**  
Aggravated first degree murder, **30.00 et seq.**  
Indifference to human life  
Elements, **26.06**

## INDEX

### **MURDER—Cont'd**

- Indifference to human life—Cont'd
  - First degree, **26.05**
- Multiple participants, commission of felony, defenses, **19.01**
- Premeditation
  - Generally, **26.01.01**
  - Elements, **26.02**
- Second degree, **27.01 et seq.**

### **MUTILATION**

- Animal cruelty, mutilating and animal, defined, **135.29, 135.30, 135.40**

### **NARCOTICS**

- Drugs and Narcotics, this index

### **NATURAL CONSEQUENCES OF ACTS**

- Intentions, presumptions, **6.25**

### **NECESSARY OR NECESSITY**

- Defenses, **18.02**
- Defined, justifiable homicide, **16.05**

### **NEGLECT OR ABUSE**

- Abuse, this index

### **NEGLIGENCE**

- Criminal Negligence, this index
- Defined, negligent driving, **96.03**
- Disregard for safety of others, vehicular homicide, **90.05**
- Driving. Negligent Driving, this index
- Ordinary negligence, vehicular homicide, distinguished, **90.05**

### **NEGLIGENT DRIVING**

- Generally, **96.01 et seq.**
- Elements, **96.02**

### **NOTICE OR KNOWLEDGE**

- Arson, first degree, element, **80.02**
- Controlled substances, unwitting possession, special defenses, **52.01**
- Criminal trespass, first degree, element, **60.16**
- Definitions, **10.02**
- Public assistance fraud, **70.17**
- Reckless burning, second degree, element, **83.06**

### **OATH AND AFFIRMATION**

- Defined, **118.15**
- Interpreters, **4.65**

### **OBSCURING IDENTITY OF MACHINE**

- Elements, **78.02**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**OBSTRUCTING GOVERNMENTAL OPERATION**

Generally, **120.01 et seq.**

**OBSTRUCTING LAW ENFORCEMENT OFFICER**

Law Enforcement Officers, this index

**OBSTRUCTING PUBLIC SERVANT**

Elements, **120.02**

**OBTAINING SIGNATURE BY DECEPTION OR DURESS**

Elements, **130.06**

**OCCUPATIONS AND PROFESSIONS**

Expert witnesses, **6.51**

**OFFICERS**

Law Enforcement Officers, this index

Peace Officers, this index

**OFFICERS AND EMPLOYEES**

Assault, third degree, **35.23.02**

Community corrections officers or employees, custodial assault

Generally, **35.42**

Elements, **35.43**

Definitions, **2.14**

Justifiable homicide, **16.01**

Lawful force, charges other than homicide, defenses, **17.01**

Trading in public office, **115.20 et seq.**

**OFFICIAL PROCEEDING**

Defined, perjury, **118.16**

**OLD CHIEF STIPULATION**

Generally, **4.78**

**OMISSIONS**

Defined, **2.15**

**ONGOING PATTERN OF SEXUAL ABUSE**

Aggravating circumstances, **300.16**

**ONLINE**

Cyberstalking, this index

**OPERATING MOTOR VEHICLE AFTER CONSUMING ALCOHOL OR  
MARIJUANA WHILE UNDER AGE TWENTY-ONE**

Defined, **92.04**

Elements, **92.05**

**OPERATION OF MOTOR VEHICLES**

Crimes involving, **89.00**

Reckless Driving, this index

## INDEX

### **OPINIONS**

- Consultation among jurors, capital punishment, **31.04**
- Deliberations, consultation among jurors, effect, **1.04**
- Expert witnesses, **6.51**

### **ORAL INSTRUCTIONS**

- Advance Oral Instructions, this index

### **ORAL INTRODUCTORY INSTRUCTION**

- Self-defense reimbursement, **17.06**

### **ORDER OF CONSIDERATION**

- Insanity, **20.03**

### **OUT OF COURT STATEMENTS**

- Codefendants, admissions or incriminating statements, **6.42**
- Defendants, this index

### **PAIN AND SUFFERING**

- Animal cruelty, **135.09**
- Assault, third degree, elements, **35.24**
- Torture, assault, second degree, **35.18**

### **PARAPHERNALIA**

- Animal fighting, **135.28**
- Controlled substances, **50.30, 50.31**

### **PARENTS**

- Family and Relatives, this index

### **PARKS AND RECREATION**

- Controlled substances, enhanced sentences, **50.65**
- Public Parks, this index

### **PAROLE AND PROBATION**

- Life without parole, **31.06**

### **PARTICULARLY VULNERABLE VICTIMS**

- Aggravating circumstances, **300.11**

### **PATRON**

- Prostitution, commercial sexual abuse of a minor, **48.27**

### **PATRONIZING A PROSTITUTE**

- Elements, **48.10**

### **PAYMENT**

- Unlawful issuance of bank check, **73.01 et seq.**

### **PEACE OFFICERS**

- Defined, **2.16**
- Entrapment, **18.05**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**PEACE OFFICERS—Cont'd**

Justifiable homicide, **16.01**

Lawful force, resisting officer, charges other than homicide, defenses, **17.02.01**

**PECUNIARY BENEFIT**

Bribery, **115.01**

Defined, **2.17**

Unlawful compensation, **115.10 et seq.**

**PENAL AND CORRECTIONAL INSTITUTIONS**

Community Corrections Facilities, this index

**PENALTIES**

Enhanced Penalties, this index

Forfeitures and Penalties, this index

**PERJURY**

Elements

First degree, **118.02**

Second degree, **118.06**

Evasive and misleading testimony that is true, **118.21.01**

First degree

Generally, **118.01**

Elements, **118.02**

Inconsistent statements, **118.22**

Material statements

Defined, **118.17**

Inconsistent statements, **118.22**

Proof, requirements, **118.12**

Retraction, **118.20**

Statement of what one does not know to be true, **118.21**

**PERMISSIONS**

Jurors taking notes, **4.63**

**PERMITTING PROSTITUTION**

Prostitution, this index

**PERSON**

Defined, **2.18**

**PERSON IN POSITION OF AUTHORITY**

Indecent liberties, definition, **49.06**

**PERSON WITH SUPERVISORY AUTHORITY**

Abuse of supervisory position, defined, **45.09**

Definitions

Generally, **45.11**

Abuse of supervisory position, defined, **45.09**



## INDEX

### **PETRICH INSTRUCTION**

Jury unanimity, **4.25**

### **PHYSICAL DAMAGE**

Defined, malicious mischief, **88.03**

### **PHYSICAL HARM**

Hate crimes, physical harm to or destruction of property, elements, **36.94**

### **PHYSICAL INJURY**

Bodily Harm or Injury, this index

### **PHYSICALLY HELPLESS**

Definition, **45.05**

### **PHYSICIANS AND SURGEONS**

Controlled substances, prescription, defenses, **52.02**

Legend drugs, prescription, **55.01**

### **PISTOLS**

Carrying

Generally, **133.03, 133.04**

Motor vehicles, loaded pistols, **133.05.01**

Concealed weapons, carrying, **133.04**

Defined, **133.50**

Elements

Motor vehicles, **133.05, 133.05.01**

Unlawful delivery, **133.07**

Motor vehicles

Loaded pistol, **133.05.01**

Unloaded pistol, **133.05**

Unlawful delivery, **133.06, 133.07**

Unlawful ownership or possession, **133.01 et seq.**

### **PLAN**

Common Scheme or Plan, this index

### **POISON**

Assault

First degree

Generally, **35.05**

Elements, **35.06**

HIV, **35.05, 35.06**

Second degree, elements, **35.14**

### **POLICE**

Law Enforcement Officers, this index

### **POLITICAL SUBDIVISIONS**

Governmental function, defined, **2.12**

**POSSESSING STOLEN FIREARM**

Weapons and Firearms, this index

**POSSESSION**

Dangerous Weapons, this index

Defined

Controlled substances, **50.01, 50.03**

Weapons, **133.52**

Depictions of minor engaged in sexually explicit conduct, defenses, **19.04.04**

Forged instruments, elements, **130.03**

Legend Drugs, this index

Motor vehicle theft tools, **77.40-77.42**

Stolen property. Possession of Stolen Property, this index

**POSSESSION OF STOLEN PROPERTY**

Generally, **77.01 et seq.**

Definitions, **77.33, 77.35, 77.35 et seq.**

Elements

Generally, **77.02 et seq.**

First degree, **77.02**

Second degree, **77.06**

Third degree, **77.11**

First degree

Generally, **77.01**

Elements, **77.02**

Motor vehicles, **77.20, 77.21**

Possessing stolen access device, presumption, **77.15**

Trafficking in stolen property, **77.30-77.36**

**POWERS AND DUTIES**

Public assistance, recipients, **70.17**

**PREGNANCY**

Aggravating Circumstances, this index

**PREJUDICE OR BIAS**

Defendants, failure to testify, **6.31**

Malicious harassment, minorities, **36.01 et seq.**

Witnesses, weight of testimony, **6.01**

**PREMEDITATION**

Murder, this index

**PREMISES**

Defined, burglary, **65.01**

**PRESCRIPTIONS**

Defenses

Generally, **52.02**

## INDEX

### **PRESCRIPTIONS—Cont'd**

Defenses—Cont'd

Negligent driving, **96.20**

Legend drugs, **55.01, 55.06**

Negligent driving, defenses, **96.20**

### **PRESUMPTIONS AND BURDEN OF PROOF**

Generally, **4.01, 4.01A**

Aggravating circumstances, multiple factors alleged, **300.07**

Capital punishment, presumption of leniency and reasonable doubt, **31.05**

Criminal trespass, **19.06**

Innocence, **4.01, 4.01A**

Insanity, this index

Natural consequences of acts, intention, **6.25**

Possessing stolen access device, **77.15**

Presumptions and Burden of Proof, this index

### **PRIOR CONVICTIONS**

Evidence, **4.64**

Impeachment, defendant, **5.05**

### **PRIOR OFFENSE (“OLD CHIEF STIPULATION”)**

Generally, **4.78**

### **PRISONS AND PRISONERS**

Defined, **2.20**

State Prisoners, this index

Work Release Facilities, this index

### **PRIVILEGES AND IMMUNITIES**

Witnesses, refusal to testify, **4.79**

### **PROBABILITY OF VERDICT**

Generally, **4.70**

### **PROBATION AND PAROLE**

Life without parole, **31.06**

### **PROCEEDINGS**

Actions and Remedies, this index

### **PROCESS AND SERVICE OF PROCESS AND PAPERS**

Assault, third degree, resistance, **35.21**

Resistance, assault, third degree, **35.21**

### **PROFESSIONS AND OCCUPATIONS**

Expert witnesses, **6.51**

Physicians and Surgeons, this index

### **PROFIT**

Commercial sexual abuse of a minor, definition, **48.28**

**PROFIT—Cont'd**

- Defined, controlled substances, **50.17**
- Prostitution, profits from prostitution, **48.11**

**PROMOTING COMMERCIAL SEXUAL ABUSE OF A MINOR**

- Defenses, **19.04.03**
- Definition, **48.22**
- Elements, **48.23**

**PROMOTING PROSTITUTION**

- Prostitution, this index

**PROPERTY**

- Appropriating lost or misdelivered property or services, defined, **79.05**
- Defined, **2.21**
- Destruction of Property, this index
- Extortion, **76.01 et seq.**
- Hate crimes, elements of threat of harm to person or property, **36.93**
- Malicious harassment
  - Harm to person or property, threat of, **36.03**
  - Physical harm or destruction, elements, **36.04**
- Malicious mischief, damage, **85.01 et seq.**
- Metal Property, this index
- Reckless burning
  - Generally, **83.01 et seq.**
  - Defenses, **19.05**

**PROSECUTION**

- Compounding, refraining from initiating prosecution, pecuniary benefit, **120.20**

**PROSTITUTION**

- Generally, **48.01**
- Advanced prostitution, **48.11**
- Advances a sexually explicit act of a minor, definition, **48.25**
- Advances commercial sexual abuse of a minor, definition, **48.24**
- Children and Minors, this index
- Commercial sexual abuse of a minor, **48.20, 48.21**
- Compensation and salaries, profits from prostitution, **48.11**
- Defenses, **19.04.06**
- Defined, **48.01**
- Elements, **48.02**
- Human Trafficking, this index
- Patron, commercial sexual abuse of a minor, **48.27**
- Patronizing a prostitute, **48.09, 48.10**
- Permitting prostitution
  - Generally, **48.07**
  - Elements, **48.08**

## INDEX

### **PROSTITUTION—Cont'd**

- Profits from commercial sexual abuse of a minor, definition, **48.28**
- Promoting commercial sexual abuse of a minor, definition, **48.22, 48.23**
- Promoting prostitution
  - Generally, **48.03 et seq.**
  - Children and minors, first degree, person under 18, elements, **48.04.01**
  - First degree, **48.03 et seq.**
  - Person under 18, elements, **48.04.01**
  - Second degree
    - Definition, **48.05**
    - Elements, **48.06**
  - Threat or force, elements, **48.04**
  - Threat or force, first degree, **48.04**
- Sexual conduct, definition, **48.12**
- Sexually explicit act, definition, **48.26**
- Special verdicts, rape of a child or child molestation in return for a fee, **190.14**

### **PROTECTIVE ORDER**

- Defined, stalking, **36.26**

### **PROXIMATE CAUSE**

- Defined, homicide, **25.02**
- Homicide, **25.02**
- Vehicular assault, **91.05**
- Vehicular homicide, **90.07**

### **PUBLIC ASSISTANCE**

- Public assistance fraud, theft, **70.15 et seq.**

### **PUBLIC ASSISTANCE FRAUD**

- Elements, **70.16**

### **PUBLIC DISTURBANCES**

- Generally, **126.01 et seq.**

### **PUBLIC HOUSING PROJECT**

- Defined, controlled substances, enhanced sentences, **50.68**

### **PUBLIC OFFICIAL OR OFFICER OF THE COURT**

- Aggravating circumstances, retaliation, **300.33**

### **PUBLIC PARKS**

- Controlled substances, **50.65**
- Defined, **50.65**

### **PUBLIC SERVANTS**

- Defined, **2.22**
- Law Enforcement Officers, this index
- Making false or misleading statement to, **120.03 et seq.**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**PUBLIC SERVANTS—Cont'd**

Obstructing public servant

Generally, **120.01**

Elements, **120.02**

Trading in public office, **115.20 et seq.**

**PUBLIC TRANSIT VEHICLE**

Defined, **50.66**

**QUALIFYING PATIENT DEFENSE**

Defined, **52.13**

**RACING**

Defined, reckless driving, **95.04**

**RAPE**

Generally, **40.01 et seq.**

Child. Rape of a Child, this index

Consent, first or second degree, **18.25**

Defenses, **19.03 et seq.**

Definitions, **45.01 et seq.**

Elements, **40.02**

First degree, **40.01 et seq.**

Minor. Rape of a Child, this index

Second degree, **41.01, 41.02**

Special verdicts, rape of a child or child molestation in return for a fee, **190.14**

Statutory rape

Defenses, **19.03.01**

Elements

First degree, **44.02**

Second degree, **44.04**

First degree, **44.01**

Health care provider, **19.03.02**

Introduction, **44.00 et seq.**

Second degree, **44.03, 44.04**

Third degree, **42.01, 42.02**

**RAPE OF A CHILD**

Defenses, **19.04**

Elements

First degree, **44.11**

Second degree, **44.13**

Third degree, elements, **44.15**

First degree

Generally, **44.10**

Elements, **44.11**

## INDEX

### **RAPE OF A CHILD—Cont'd**

- Second degree
  - Generally, **44.12**
  - Elements, **44.13**
- Third degree
  - Generally, **44.14**
  - Elements, **44.15**

### **RAPID RECIDIVISM**

- Aggravating circumstances, **300.29**

### **REAL ESTATE**

- Definitions, burglary, **65.01**

### **REASONABLE BELIEF**

- Attempting to elude a police vehicle, reasonable belief that pursuer is not a police officer, defenses, **94.10**

### **REASONABLE DOUBT**

- Generally, **4.01, 4.01A**
- Capital punishment, sentencing phase, **31.05**

### **REASONABLE FEAR**

- Defined, **36.93.01**
- Hate crimes defined, **36.93.01**

### **RECEIVE**

- Defined, **79.09**

### **RECESS**

- Instructions before each recess, **4.61**

### **RECKLESS BURNING**

- Arson and Related Offenses, this index

### **RECKLESS DRIVING**

- Generally, **95.01 et seq.**
- Defined, **95.01**
- Elements, **95.02**
- Embracing, inference, **95.05**
- Excessive speed, **95.04**
- Inferences
  - Embracing, **95.05**
  - Excessive speed, **95.04**
- Racing, **95.04**

### **RECKLESS ENDANGERMENT**

- Generally, **35.32 et seq.**
- Definition, **35.32**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**RECKLESS ENDANGERMENT—Cont'd**

Elements

Generally, **35.33**

First degree, **35.30.01, 35.31**

Second degree, **35.33**

First degree, **35.32 et seq.**

**RECKLESS MANNER**

Defined, vehicular assault, **91.03**

**RECKLESSNESS**

Assault of child, reckless infliction of great bodily harm, elements, **35.35.02**

Burning. Arson and Related Offenses, this index

Defined, **10.03**

Driving. Reckless Driving, this index

Endangerment. Reckless Endangerment, this index

Manslaughter, first degree, **28.01**

**RECOGNITION CARD**

Defined, **52.16**

**RECORDS AND RECORDATION**

Damaged computer records or programs, defined, malicious mischief, **88.04**

**RECOVERY**

Insanity, time of trial, **20.07**

**REFUSAL OF WITNESS TO TESTIFY**

Privilege, **4.79**

**REFUSAL TO PROVIDE DNA SAMPLE AS SEX OR KIDNAPPING  
OFFENDER**

Elements, **49C.21**

**REGISTRATION**

Failure to Register as Sex or Kidnapping Offender, this index

**REIMBURSEMENT OF DEFENSE COSTS**

Introduction, **21.00**

Justified Force Reimbursement, this index

Self-defense reimbursement

Concluding instruction, **21.02**

Oral introductory instruction, **21.01**

**RELATIVES**

Family and Relatives, this index

**RELEASE**

Bail jumping, **120.40, 120.41**



## INDEX

### **REMEDIES**

Actions and Remedies, this index

### **REMORSE**

Aggravating circumstances, egregious lack of remorse, **300.26**

### **RENDERING CRIMINAL ASSISTANCE**

Generally, **120.10 et seq.**

Elements

Generally, **120.11**

Third degree, **120.13**

First degree

Generally, **120.10**

Elements, **120.11**

Second degree

Generally, **120.11.01**

Elements, **120.11.02**

Special verdicts

Generally, **120.14, 120.15**

Form, **190.04**

Third degree

Generally, **120.12**

Elements, **120.13**

### **RENTALS**

Criminal possession of leased or rented machinery, equipment or motor vehicles,  
**70.20 et seq.**

### **REPEATEDLY**

Defined, stalking, **36.24**

### **REPORTS AND REPORTING**

False reporting, **126.15**

Elements, **126.16**

False Reporting, this index

### **REPUTATION**

Defendants, **6.12**

Truth and veracity, **6.11**

### **RESIDENCE**

Definition, **49C.13**

Failure to register as sex or kidnapping offender, **49C.13**

### **RESIDENTIAL BURGLARY**

Generally, **60.02.01**

Elements, **60.02.02**

### **RESISTING ARREST**

Arrest, this index

**RESTRAINT**

Unlawful imprisonment, **39.15, 39.16**

**RETAIL MARIJUANA PRODUCT SALES TO PERSON UNDER THE AGE OF 21**

Definition, **50.18**

Elements, **50.19**

**RETAIL OUTLET**

Definition, **50.54**

**RETAIL THEFT**

Generally, **71.01 et seq.**

Elements, **71.02 et seq.**

Extenuating circumstances, **71.30-71.35**

First degree, **71.01 et seq., 71.10 et seq., 71.30 et seq.**

Intent to resell, **71.01-71.04**

Organized retail theft, **71.10-71.19**

Second degree, **71.03 et seq., 71.13 et seq.**

Special circumstances, **71.30-71.35**

Third degree, **71.34 et seq.**

**RETALIATION**

Aggravating circumstances, retaliation against a public official or officer of the court, **300.33**

**RETRACTION**

Perjury and false swearing, **118.20**

**RETREAT**

Attack

Justifiable homicide, **16.08**

**RIOTS**

Generally, **126.01 et seq.**

Elements

Gross misdemeanors, **126.03**

**ROBBERY**

Generally, **37.01 et seq.**

Defined, **37.50**

Elements

First degree, **37.02**

Second degree, **37.04**

Financial institutions, **37.51**

First degree

Generally, **37.01**

Elements, **37.02**

## INDEX

### **ROBBERY—Cont'd**

- Second degree
  - Generally, **37.03**
  - Elements, **37.04**

### **SALES**

- Controlled substances
  - Generally, **50.15 et seq.**
  - Authorization by law, **52.03**
- Legend Drugs, this index

### **SCENE**

- Accident, hit and run, **97.01 et seq.**
- View, **4.51**
  - Admonition before viewing, **4.71**

### **SCHEME OR PLAN**

- Common Scheme or Plan, this index

### **SCHOOL BUSES**

- Controlled substances, enhanced sentences, **50.63, 50.64**
- Defined, controlled substances, **50.63**
- Drivers, assault, third degree, **35.23.03**
  - Elements, **35.23.03**
- Route stops, defined, controlled substances, **50.64**

### **SCHOOL EMPLOYEES**

- First degree sexual misconduct with a minor, causing sexual intercourse between minors, **44.31.04**
- First degree sexual misconduct with a minor, elements, **44.31.01**

### **SCHOOLS AND SCHOOL DISTRICTS**

- Controlled substances, enhanced sentences, **50.62**
- Definitions, controlled substances, **50.62**
- Sexual misconduct, **44.33.01, 44.33.04, 44.34**

### **SECOND DEGREE ARSON**

- Generally, **80.05, 80.06**
- Elements, **80.06**

### **SECOND DEGREE OFFENSES**

- Assault, generally, **35.10 et seq.**
- Burglary, this index
- Custodial Interference, this index
- Extortion, this index
- Kidnapping, this index
- Livestock, theft of. Theft, this index
- Murder, this index
- Perjury, this index

PATTERN JURY INSTRUCTIONS—CRIMINAL

**SECOND DEGREE OFFENSES—Cont'd**

- Possession of Stolen Property, this index
- Rape, this index
- Rendering Criminal Assistance, this index
- Sexual Misconduct with a Minor, this index
- Theft, this index

**SELF-DEFENSE**

- Aggressors, **16.04**
- Justifiable homicide, **16.02**
- Lawful force
  - Charges other than homicide, defenses, **17.02**
  - Oral introductory instruction, **17.06, 17.06.01**
- Reimbursement of defense costs
  - Generally, **17.06, 17.06.01**
  - Concluding instruction, **21.02**
  - Lawful force, oral introductory instruction, **17.06**
  - Oral introductory instruction, **21.01**
  - Special verdict, form, **190.07**

**SENIOR CITIZENS**

- Identity theft, **131.01.01**

**SENTENCE AND PUNISHMENT**

- Enhanced Sentence, this index

**SENTENCE ENHANCEMENT**

- Definitions, **2.07-2.07.02**

**SENTENCING**

- Capital Punishment, this index
- Driving or being in physical control while under influence, **92.03**
- Enhanced Sentence, this index
- Life without parole, **31.06**

**SEPARATE AND DISTINCT ACTS**

- Elements, **4.22**
- Jury unanimity, single count, **4.25**

**SERIOUS BODILY INJURY**

- Vehicular assault, **91.04**

**SERVICE OF PROCESS**

- Process and Service of Process and Papers, this index

**SERVICES**

- Theft, **79.06**
- Theft of, appropriating lost or misdelivered property or services, **79.05**

## INDEX

### SEX OFFENSES

- Animals. Sexual Conduct with Animal, this index
- Defined, **49C.10**
- Failure to Register as Sex or Kidnapping Offender, this index
- Sexual Depictions of Minors, this index
- Special verdicts, enhancement for predatory offenses, **190.13**

### SEXUAL ABUSE

- Aggravating circumstances, ongoing pattern of sexual abuse, **300.16**
- Commercial sexual abuse. Promoting Commercial Sexual Abuse of a Minor, this index
- Promoting Commercial Sexual Abuse of a Minor, this index

### SEXUAL CONDUCT

- Animal cruelty, defined, **135.02**
- Animals, sexual conduct with. Sexual Conduct with Animal, this index
- Defined, **48.12**
- Foster parent, elements, **44.33.05**
- Prostitution, definition, **48.12**

### SEXUAL CONDUCT WITH ANIMAL

- Defined, **135.03**
- Elements, **135.03**

### SEXUAL CONTACT

- Defined, **45.07**

### SEXUAL DEPICTIONS OF MINORS

- Generally, **49A.01 et seq.**
- Dealing, **49A.05-49A.08.02**
- Definition, **49A.01 et seq.**
- Dissemination in first degree, **49A.05.01 et seq.**
- Dissemination in second degree, **49A.06.01 et seq.**
- Elements, **49A.02 et seq.**
- First degree, **49A.03.01 et seq.**
- Intent to disseminate, possession with, **49A.07 et seq.**
- Live performance defined, **49A.12**
- Photograph defined, **49A.11**
- Possession, **49A.03 et seq.**
- Second degree, **49A.04.01 et seq.**
- Sexually explicit conduct, **49A.09**
- Visual or printed matter defined, **49A.10**

### SEXUAL EXPLOITATION OF A MINOR

- Defenses, **19.04.03**

### SEXUAL INTERCOURSE

- Defined, **45.01**

**SEXUALLY EXPLICIT ACT**

Definition, **48.26**

**SEXUAL MISCONDUCT WITH A MINOR**

Abuse of a supervisory position, defined, **45.09**

Defenses, **19.04.01**

Elements

First degree, **44.31**

School employee, **44.33.01**

Second degree, **44.33**

Second degree, defendant in significant relationship to minor, **44.33**

First degree

Generally, **44.30, 44.30 et seq.**

Causing sexual intercourse between minors, defendant significant relationship to minor, elements, **44.31.03**

Defendant significant relationship to minor, causing sexual intercourse between minors, **44.31.03**

Elements, **44.31**

Foster parents, **44.31.02, 44.31.05**

School employee, causing sexual intercourse between minors, **44.31.04**

School employee, elements, **44.31.01**

Foster parents

Generally, **44.33.05**

First degree, **44.31.02, 44.31.05**

Second degree

Generally, **44.32 et seq.**

Causing sexual contact between minors, **44.33.03**

Defendant in significant relationship with minor, elements, **44.33**

Elements, **44.33**

Sexual contact, defined, **45.07**

Significant relationship, defined, **45.08**

**SEXUAL MOTIVATION**

Aggravating circumstances, **300.15**

Defined, **2.26**

Special verdict, **190.08**

**SEXUAL OFFENSES**

Generally, **40.01 et seq.**

Defenses, **19.03 et seq.**

Indecent exposure, **47.01 et seq.**

**SEXUAL ORIENTATION**

Hate crimes, **36.91.01**

**SHEEP**

Theft of livestock, **75.01 et seq.**

## INDEX

### **SIGNATURES**

- Defined, **2.23**
- Obtaining signature by deception or duress
  - Generally, **130.05**
  - Elements, **130.06**

### **SIGNIFICANT RELATIONSHIP**

- Defined, **45.08**

### **SINGLE COUNT**

- Multiple criminal acts, elements of crime, jury unanimity, **4.25**

### **SINGLE OFFENSES**

- Alternative elements, **4.22, 4.23**
- Alternative means for committing, **4.23**

### **SIXTY-DAY SUPPLY DEFINED**

- Defined, **52.15**

### **SOLICITATION**

- Generally, **105.01**
- Criminal Solicitation, this index
- Elements, **105.02**
- Prostitution, this index

### **SOPHISTICATION OR PLANNING**

- Aggravating circumstances, **300.22**

### **SPECIAL VERDICTS**

- Aggravated first degree murder, **30.04**
- Aggravating Circumstances, this index
- Attempting to elude police vehicle, endangering others, **190.12**
- Capital punishment, sentencing, **31.09**
- Concluding instructions
  - Deadly weapon, **160.00**
  - Firearm, form, **190.02**
  - Penalty enhancements, **160.00**
- Continuing criminal impulse, **190.22**
- Controlled substances, enhanced sentence, **50.61**
- Date of crime, **190.21**
- Deadly weapon, definitions, **2.07 et seq.**
- Driving or being in physical control while under influence, sentencing, **92.03**
- Elements with alternatives, **190.09**
- Failure to register as sex or kidnapping offender, **49C.03, 49C.04**
- Family or household member or intimate partner, **190.11**
- Forms, **190.01 et seq.**
- Harassment, enhanced sentence, **36.09**
- Insanity, this index

**SPECIAL VERDICTS—Cont'd**

- Jurisdiction, **190.10**
- Justified force reimbursement, form, **190.075**
- Murder, aggravated first degree, **30.04**
- Rape of a child or child molestation in return for a fee, **190.14**
- Self-defense reimbursement, form, **190.07**
- Sex offenses, enhancement for predatory offenses, **190.13**
- Sexual motivation, form, **190.08**
- Vehicular homicide and assault, **90.03**
- Violation of court order, enhanced penalties, **36.55**
- Violation of domestic violence protection order, concluding instruction, special verdict, **36.54**

**STALKING**

- Generally, **36.20 et seq.**
- Correctional agency, defined, **36.27.02**
- Cyberstalking, this index
- Deadly weapon, **36.27.01**
- Definitions, **36.22-36.24**
- Elements, **36.21**
- Enhanced sentence, **36.28, 36.29**
- Felony, **36.21.01 et seq.**
- Gross misdemeanor, **36.20, 36.21**
- Harass, defined, **36.23**
- Intent to intimidate or harass, inference, **36.25**
- Official capacity in legal system, victim with, **36.21.06**
- Previous harassment conviction, elements, **36.21.02**
- Previous stalking conviction, **36.21.04**
- Protective order, defined, **36.26**
- Protective order, violation of, elements, **36.21.03**
- Repeatedly, defined, **36.24**
- Weapon, armed with, **36.21.05**
- Witness in adjudicative proceeding, **36.21.07**

**STAND-ALONE SENTENCING PROCEEDINGS**

- Aggravating Circumstances, this index

**STARVATION, DEHYDRATION, OR SUFFOCATION**

- Elements, **135.04**

**STATE ASSISTANCE**

- Public assistance fraud, **70.15 et seq.**

**STATE PRISONERS**

- Failure to return to work release facilities
  - Generally, **120.37**
  - Elements, **120.38**



## INDEX

### **STATUTORY DEFENSES**

Generally, **19.01 et seq.**

### **STATUTORY RAPE**

Rape, this index

### **STIPULATIONS**

Admission of evidence, **4.76**

Prior offense (“Old Chief Stipulation”), **4.78**

Undisputed facts or elements of offense, **4.77**

### **STOLEN**

Defined, **79.08**

### **STOP SHELTER**

Defined, controlled substances, **50.66**

### **STRANGULATION**

Defined, **35.53**

### **STREET GANGS**

Aggravating circumstances, **300.36**

### **SUBSTANTIAL BODILY HARM**

Assault and Battery, this index

### **SUBSTANTIAL STEP**

Defined

Attempt, **100.05**

Criminal conspiracy, **110.03**

### **SUBSTITUTION**

Changed instruction of law, **4.68.01**

### **SUFFERING**

Pain and Suffering, this index

### **SUFFOCATION**

Assault, **35.54**

### **SUPPLEMENTAL INSTRUCTIONS**

Generally, **4.68**

### **SUPPRESSION OF EVIDENCE**

Evidence, this index

### **SURGEONS**

Physicians and Surgeons, this index

### **SUSPENSIONS AND REVOCATIONS OF DRIVER’S LICENSES**

Driving While License Suspended or Revoked, this index

**SWEARING**

False Swearing, this index

**SWINE**

Theft of livestock, **75.01 et seq.**

**TAKING MOTOR VEHICLE WITHOUT PERMISSION**

Motor Vehicles, this index

**TAMPERING WITH A WITNESS**

Defined, **115.80**

Elements, **115.81**

**TELEPHONE HARASSMENT**

Generally, **36.71 et seq.**

Felony, **36.73 et seq.**

Gross misdemeanor, **36.71, 36.72**

Previous conviction, **36.74**

Threat to kill, **36.75**

**TERMINAL OR DEBILITATING CONDITION**

Defined, **52.14**

**TESTS**

Blood test, evaluation, **92.16**

Breath Test, this index

**TETRAHYDROCANNABINOL (THC)**

Defined, driving or being in physical control while under the influence, **92.12**

**THEFT**

Generally, **70.01 et seq.**

Access device or public record, **70.06.01**

Criminal possession of leased or rented machinery, equipment, or motor vehicles, **70.20 et seq.**

Defenses, **19.08**

Definitions, **79.01 et seq.**

Elements

Generally, **70.02 et seq.**

Criminal possession of leased or rented machinery, equipment, or motor vehicles, **70.21**

First degree, value of property, **70.02**

Public assistance fraud, **70.16**

Second degree, value of property, **70.06**

Third degree, **70.11**

Weapons, **70.13**

First degree

Generally, **70.01 et seq.**

Value of property, **70.02**

## INDEX

### **THEFT—Cont'd**

- Identity Theft, this index
- Livestock, **75.01 et seq.**
- Metal property, first degree theft, **70.02.02**
- Motor vehicle, **70.25, 70.26**
- Possessing Stolen Property, this index
- Public assistance fraud, **70.15 et seq.**
- Retail Theft, this index
- Second degree
  - Generally, **70.05**
  - Value of property, **70.06**
  - Vulnerable adult, theft from, **70.32, 70.33**
- Third degree, **70.10, 70.11**
- Vulnerable adult, theft from
  - First degree, **70.31**
  - Second degree, **70.32, 70.33**
- Weapons
  - Defined, **70.12**
  - Elements, **70.13**

### **THEFT OF LIVESTOCK**

- Elements
  - First degree, **75.02**
  - Second degree, **75.04**

### **THIRD DEGREE OFFENSES**

- Assault, generally, **35.20 et seq.**
- Child Molestation, this index
- Custodial Interference, this index
- Livestock, theft of. Theft, this index
- Rape, **42.01**
- Rape of a Child, this index
- Rendering Criminal Assistance, this index
- Special verdict, law enforcement officer, **35.23.06**
- Theft, **70.10, 70.11**

### **THIRD PARTIES**

- Defense of others, justifiable homicide
  - Generally, **16.1**
  - Aggressor, **16.04.01**
- Evidence, suppression or false evidence, **5.11**
- Homicide, conduct of another, **25.03**
- Malicious harassment, elements, **36.03**

### **THREATENING TO BOMB OR INJURE PROPERTY**

- Defined, **86.01**
- Elements, **86.02**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**THREAT OF HARM**

Hate Crimes, this index

**THREATS**

Defined, **2.24, 115.52**

Intimidating a witness, defined, **115.52**

Promoting prostitution, first degree, **48.04**

**THREAT TO KILL**

Harassment, elements, **36.07.02**

Telephone harassment, **36.75**

**TIME**

Insanity

Recovery, time of trial, **20.07**

Time of offense, **20.01**

**TIME OR DATE**

Special verdicts, date of crime, **190.21**

**TOOLS**

Possession of motor vehicle theft tools, **77.40-77.42**

**TORTURE**

Assault, second degree

Generally, **35.17**

Elements, **35.18**

**TRAFFICKING**

Human Trafficking, this index

**TRAFFICKING IN STOLEN PROPERTY**

Generally, **77.30-77.36**

**TRAFFIC RULES AND REGULATIONS**

Vehicle, defined, **98.01**

**TRANSFER OF FUNDS**

Access devices, defined, theft, **79.07**

**TRANSIT AUTHORITIES**

Controlled substances, enhanced sentences, **50.66**

Officers and employees, assault, third degree

Generally, **35.23**

Elements, **35.23**

**TREATMENT**

Defined, **45.13**

## INDEX

### **TRESPASS**

- Criminal trespass
- Defenses
  - First degree, **19.06**
  - Second degree, **19.07**
- Elements
  - First degree, **60.16**
  - Second degree, **60.18**

### **TRIALS**

- Unitary Trials, this index

### **UNANIMITY**

- Election to specify particular act, **4.26**
- Multiple criminal acts, single count, elements of crime, **4.25**

### **UNBORN CHILDREN**

- Afterborn or Unborn Children, this index

### **UNIFORM CONTROLLED SUBSTANCES ACT, MAJOR VIOLATION**

- Aggravating circumstances, **300.14**

### **UNITARY TRIALS**

- Aggravating Circumstances, this index

### **UNLAWFUL COMPENSATION**

- Granting unlawful compensation, **115.15, 115.17**
- Offering, **115.21, 115.26**
- Receiving unlawful compensation, **115.15, 115.16**
- Requesting, **115.22, 115.27**
- Requesting unlawful compensation, **115.11**

### **UNLAWFUL IMPRISONMENT**

- Generally, **39.15 et seq.**
- Defined, **39.15**
- Elements, **39.16**
- Without consent, defined, **39.17**

### **UNLAWFUL ISSUANCE OF BANK CHECK**

- Generally, **73.01 et seq.**
- Common scheme or plan, **73.20**
- Credit, defined, **79.10**
- Defined
  - Felony, **73.01**
  - Gross misdemeanor, **73.03**
- Elements
  - Felony, **73.02**
  - Gross misdemeanor, **73.04**

PATTERN JURY INSTRUCTIONS—CRIMINAL

**UNLAWFUL ISSUANCE OF BANK CHECK—Cont'd**

Felony

Generally, **73.0 et seq.**

Elements, **73.02**

Value

Felony, element, **73.02**

Gross misdemeanor, element, **73.04**

**UNLAWFUL OWNERSHIP OR POSSESSION OF A FIREARM**

Elements, **133.02.02**

**UNLAWFUL POSSESSION OF FIREARM**

Children and Minors, this index

Elements

Generally, **133.02**

Bail for serious offense, **133.02.06**

Involuntary commitment, **133.02.07**

Minors, **133.02.04**

Previous domestic violence conviction, **133.02.03**

Previous felony conviction, **133.02.02**

**VALUE**

Defined, theft, **79.20**

Theft

Definitions, **79.20**

First degree, element, **70.02**

Public assistance fraud, element, **70.16**

Second degree, element, **70.06**

Unlawful issuance of bank check

Gross misdemeanor, element, **73.04**

**VEHICLE PROWLING**

Elements

First degree, **61.02**

Gross misdemeanor, second degree, **61.04**

Second degree, gross misdemeanor, **61.04**

**VEHICLES**

Defined, **2.25**

**VEHICULAR ASSAULT**

Generally, **91.01 et seq.**

Elements, **91.02**

Proximate cause, defined, **91.05**

Reckless manner, defined, **91.03**

Serious bodily injury, defined, **91.04**

## INDEX

### **VEHICULAR HOMICIDE**

- Generally, **90.01 et seq.**
- Conduct of another, **90.08**
- Disregard for safety of others, **90.05**
- Elements, **90.02**
- Under the influence or affected by, **90.06**
- Jury interrogatory, **163.00**
- Proximate cause, **90.07**
- Special verdict form, **90.03**

### **VERDICTS**

- General, forms
  - Generally, **180.01**
  - Lessor degree/lesser included crime/attempted crime
    - Generally, **180.05**
    - Three degrees, **180.06**
- Probability, **4.70**
- Special Verdicts, this index

### **VETERINARIANS**

- Legend drugs, prescriptions, **55.01**

### **VICTIMS**

- Indecent exposure
  - Under fourteen years, **47.03, 47.04**
  - Fourteen years or older, **47.01, 47.02**
- Justifiable homicide, **16.02 et seq.**
- Malicious harassment, threat of harm to person or property, **36.03**
- Retreat, attack, justifiable homicide, **16.08**

### **VIEW OF SCENE**

- Admonition before viewing, **4.71**

### **VIEW OF SITE**

- Generally, **4.51**

### **VIOLATION OF DOMESTIC VIOLENCE COURT ORDER**

- Generally, **36.50 et seq.**
- Felony, **36.51.01, 36.51.02**
- Gross misdemeanor, **36.50, 36.51, 36.51.03, 36.51.04**

### **VIOLATION OF DOMESTIC VIOLENCE PROTECTION ORDER**

- Generally, **36.52 et seq.**
- Concluding instruction, special verdict, enhanced penalties, **36.54**
- Contact consented by victim, no defense, **36.53.01**
- Elements, **36.53**

### **VOIR DIRE**

- Capital punishment, advance oral instructions, **31.01**

**VOLUNTARY INTOXICATION**

Defenses, **18.10**

**VOLUNTEERS**

Community corrections volunteers, custodial assault, **35.44, 35.45**

**VOYEURISM**

Generally, **43.01**

Film, **43.03**

First degree, **43.01, 43.03**

Intimate areas, defined, **43.07**

Reasonable expectation of privacy, place of, **43.04**

Second degree, **43.01.01, 43.02.01**

Surveillance, **43.05**

View, **43.06**

**VULNERABLE ADULT**

Aggravating circumstances, **300.11**

**VULNERABLE INDIVIDUALS**

Identity theft, **131.01.02**

Theft from. Theft, this index

**WANTON**

Defined, reckless driving, **95.10**

**WARNINGS**

Jurors taking notes, **4.62**

Before viewing site, **4.71**

**WEAPONS AND FIREARMS**

Aiming, **133.20, 133.21**

Assault, first degree

Generally, **35.07**

Elements, **35.08**

Carrying concealed weapon

Generally, **133.35, 133.36**

Element, **133.36**

Pistols, **133.04**

Children and Minors, this index

Dangerous Weapons, this index

Deadly weapon

Assault

First degree

Generally, **35.01**

Elements, **35.02**

Second degree

Alternate means, elements, **35.12, 35.13**



## INDEX

### WEAPONS AND FIREARMS—Cont'd

- Deadly weapon—Cont'd
  - Assault—Cont'd
    - Second degree—Cont'd
      - Elements, **35.19**
  - Definitions, **2.06 et seq.**
  - Robbery, first degree, **37.01, 37.02**
  - Special verdict, form, **190.01**
- Definitions
  - Generally, **2.06, 2.10, 2.10.01**
  - Deadly weapons, **2.06.01**
  - Special verdict, **2.07.01, 2.07.02**
- Discharging, **133.20, 133.22**
- Elements
  - Aiming, **133.21**
  - Discharging, **133.22**
  - Unlawful display, **133.41**
  - Unlawful possession, person who has been committed, **133.09**
- Intimate partner, defined, **133.54**
- Mental illness, previously committed persons, unlawful possession, **133.08, 133.09**
- Pistols, this index
- Possessing stolen firearm
  - Defined, **77.12, 77.20, 77.21**
  - Elements, **77.13**
- Possession
  - Generally, **133.30**
  - Dangerous weapons, **133.30, 133.31**
  - Defined, **133.52**
  - Elements, **133.31**
  - Stolen firearms. Possessing stolen firearm, above
- Serious offense, defined, **133.53**
- Short firearm, defined, **133.50**
- Stalking, **36.21.06, 36.27.01**
- Stolen firearms. Possessing stolen firearm, above
- Theft
  - Defined, **70.12**
  - Elements, **70.13**
  - Possessing stolen firearm, above
- Unlawful display, **133.40, 133.41**
- Unlawful ownership or possession, **133.01, 133.02**
- Unlawful possession
  - Generally, **133.01 et seq.**
  - Intimate partner, defined, **133.54**
  - Person who has been committed, **133.08, 133.09**

**WEAPONS AND FIREARMS—Cont'd**

Weapons and Firearms, this index

**WEIGHT OF EVIDENCE**

Defendants, out of court statements, **6.41**

Testimony, credibility, **6.01**

**WELFARE**

Public assistance fraud, **70.15 et seq.**

**WILLFUL**

Definitions

Generally, **10.05**

Escape, **120.39**

Reckless driving, **95.10**

**WILLFULLY**

Defined, obstructing law enforcement officer, **120.02.01**

**WILLFULLY NEGLECTED**

Defined, **70.22**

**WITHOUT LAWFUL AUTHORITY**

Defined, stalking, **36.27**

**WITNESSES**

Accomplices, testimony, **6.05**

Bribe receiving by a witness

Defined, **115.40**

Elements, **115.41**

Bribing a witness

Defined, **115.30**

Elements, **115.31**

Credibility, **6.01**

Elements, bribery of witness, **115.31, 115.41**

Evasive testimony, **118.21.01**

Expert witnesses, **6.51**

Failure to produce witness, **5.20**

Impeachment, prior conviction, **5.06**

Misleading testimony, **118.21.01**

Tampering with a Witness, this index

**WORDS AND PHRASES**

Definitions, this index

**WORK RELEASE FACILITIES**

Escape, first degree, **120.27, 120.28**

State prisoners, failure to return, **120.37**

Elements, **120.38**

## INDEX

### **WRONGFULLY OBTAINED**

Defined, theft, **79.02**

### **WRONG WAY DRIVING**

Aggravating circumstances, **300.37**