

**Proposed
Mississippi
Plain Language
Model
Jury Instructions -
Criminal
2012**

(Current as of June 30, 2012)

Proposed Plain Language Model Jury Instructions - Criminal

Guide for Using the Proposed Plain Language Model Jury Instructions:

Titles of Instructions - The titles of the instructions are for the benefit of the attorneys and the court. Occasionally, the titles will contain words that are not in the instruction.

Sources and Authority - Each instruction lists a source or sources to support the basis for the instruction. Often language is quoted from the source in a parenthetical.

Definitions of Legal Terms - There are two chapters of definitions. However, the instructions are generally drafted to include any necessary definitions within the instruction.

Burden of Proof - The appropriate burden of proof is included in each instruction.

Alternatives and Options - Many instructions require the attorneys to select from alternative language offered in the instruction. In general, words or phrases contained in brackets require the attorney to select the most appropriate language for the facts of the case. In many instructions, the words or phrases contained in brackets include the language found in the statute along with plain language alternatives. Additionally, in some instructions, entire sentences and/or elements are offered in brackets as those may or may not be required as determined by the facts of the case.

Single Defendant Cases - The subcommittee drafted these instructions for a case in which one defendant is on trial.

Single Count Instructions - The subcommittee drafted these instructions for a case in which a single count is charged. In cases where multiple counts are charged, these instructions will need to be modified and/or combined to accompany the facts and counts alleged.

Modification as Required by the Facts of the Case - The subcommittee drafted these instructions for a basic, non-complicated case. If the case is complicated, then these instructions must be modified to fit the facts and the circumstances of the case. Additionally, each instruction can be amended or modified to include additional facts as needed.

Practice Notes - Several instructions offer practice notes which should be useful to the attorneys and/or the court when drafting the instructions.

Compliance with Court Rules - The instructions should be submitted to the trial court in compliance with Uniform Rule of Circuit and County Court 3.07 and should not contain citations to cases.

PROPOSED PLAIN LANGUAGE MODEL JURY INSTRUCTIONS - CRIMINAL

(Current as of June 30, 2012)

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- 3400 Arson - First Degree - Dwelling House**
- 3401 Arson - First Degree - Place of Worship**
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- 3403 Arson - First Degree - Did Not Call for Assistance**
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- 3405 Arson - Third Degree - Personal Property**

- 3406 Arson - Fourth Degree - Attempted Arson
- 3407 Arson - Insured Property
- 3408 Arson - Intentionally Setting Fire to Woods
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- 3410 Arson - Causing Aggravated Assault on a Firefighter or Other Officer
- 3411 Burglary - Breaking and Entering a Dwelling House
- 3412 Burglary - Breaking and Entering a Dwelling House - Under Circumstances Likely to Terrorize
- 3413 Burglary - Breaking out of a Dwelling House
- 3414 Burglary - Breaking an Interior Door in a Dwelling House
- 3415 Burglary - Breaking and Entering a Building Other than a Dwelling House
- 3416 Burglary - Breaking and Entering the Curtilage of a Dwelling House
- 3417 Burglary - Breaking and Entering a Place of Worship
- 3418 Possessing Burglary Tools
- 3419 Burglary - Using Explosives
- 3420 Vandalizing a Public Building or Other Property
- 3421 Larceny - Grand or Petit
- 3422 Larceny - Grand or Petit - From a Place of Worship
- 3423 Taking a Motor Vehicle (Car Theft)
- 3424 Assisting in Taking a Motor Vehicle (Car Theft)
- 3425 Larceny - Severing Crops
- 3426 Larceny - Severing a Gate, Fence, Railing, or Other Improvement
- 3427 Larceny - Stealing a Dog
- 3428 Larceny - Stealing Livestock
- 3429 Larceny - Stealing Timber
- 3430 Larceny - Failing to Pay Owner for Timber Product
- 3431 Larceny - Stealing Rental Property
- 3432 Larceny - Rental Agreement Fraud
- 3433 Larceny - Abandoning or Refusing to Deliver Rental Property
- 3434 Larceny - By Tenants in Common
- 3435 Larceny - Withholding Property Under a Rental Agreement
- 3436 Looting
- 3437 Malicious Mischief
- 3438 Receiving Stolen Property
- 3439 Falsely Claiming to Own Metal Property and Receiving Money in Exchange for It
- 3440 Unlawfully Transporting Metal Property
- 3441 Unlawfully Buying or Possessing a Metal Beer Keg or Metal Syrup Tank
- 3442 Unlawfully Selling a Bronze Vase or Marker
- 3443 Unlawfully Buying a Bronze Vase or Marker
- 3444 Unlawfully Buying Metal Property from a Person less than 18 Years Old
- 3445 Failing to Register as a Scrap Metal Dealer - Second or Subsequent Offense
- 3446 Removing Personal Property Which Had a Lien Attached
- 3447 Removing Personal Property Which Had a Lien Attached - Out of State

3448 Trespass - On Property Where Dangerous Devices Are Manufactured

Chapter 35 False Pretenses and Cheats

- 3500 Using a Credit Card or Credit Card Number with the Intent to Defraud - Less than \$100.00 - Second or Subsequent Offense**
- 3501 Using a Credit Card or Credit Card Number with the Intent to Defraud - \$100.00 or More**
- 3502 Receiving Money or Goods with the Intent to Defraud - Less Than \$100.00 - Second or Subsequent Offense**
- 3503 Receiving Money or Goods with the Intent to Defraud - \$100.00 or More**
- 3504 Receiving Money from an Automatic Cash Dispensing Machine (ATM) with the Intent to Defraud - Less Than \$100.00 - Second or Subsequent Offense**
- 3505 Receiving Money from an Automatic Cash Dispensing Machine with the Intent to Defraud - \$100.00 or More**
- 3506 False Personation**
- 3507 False Personation to Receive Money or Property**
- 3508 Obtaining Someone's Signature with the Intent to Defraud**
- 3509 Obtaining Money or Property with the Intent to Defraud**
- 3510 Producing a Child with the Intent to Take an Inheritance**
- 3511 Receiving Deposits When Bank is Insolvent - Officer or Employee**
- 3512 Receiving Deposits When Bank is Insolvent - Owner**
- 3513 Selling Property Previously Sold or Encumbered**
- 3514 Substituting a Child to Deceive the Parent or Guardian**
- 3515 Bad Checks - Insufficient Funds**
- 3516 Bad Checks - Insufficient Funds - Third or More Offense**
- 3517 Bad Checks - Insufficient Funds - \$100.00 or More**
- 3518 Bad Checks - Closing an Account**
- 3519 Fraud Relating to a State or Federally Funded Assistance Program - Fails to Disclose Fact**
- 3520 Fraud Relating to a State or Federally Funded Assistance Program - Unlawful Use of Food Stamps**
- 3521 Fraud Relating to a State or Federally Funded Assistance Program - Exchanging Food or Goods for Cash**
- 3522 Fraud Relating to a State or Federally Funded Assistance Program - By a Person with Duties in Administering a State or Federally Funded Assistance Program**
- 3523 Fraud Relating to a State or Federally Funded Assistance Program - By a Person with Duties in Administering a State or Federally Funded Assistance Program - Failure to Disclose Fraudulent Activity**
- 3524 Fraud Relating to a State or Federally Funded Assistance Program - Filing a Claim for Services Not Performed**
- 3525 Fraud Relating to a State or Federally Funded Assistance Program - Filing a Claim for Unauthorized Items or Services**

- 3526 Fraud Relating to a State or Federally Funded Assistance Program - Billing a Recipient for More than Authorized**
- 3527 Fraud Relating to a State or Federally Funded Assistance Program - Receiving an Unauthorized Payment for Benefits**
- 3528 Fraud Relating to a State or Federally Funded Assistance Program - False Application to Replace Benefits**
- 3529 Fraud Relating to a State or Federally Funded Assistance Program - Helping Another**
- 3530 Fraud by Mail or Other Means of Communication**
- 3531 Fraudulent Use of Social Security Number or Other Identifying Information**
- 3532 Fraudulent Use of Social Security Number or Other Identifying Information - False Information about Identity**
- 3533 Fraudulent Use of Social Security Number or Other Identifying Information - False Information to Start or Maintain Business Records**
- 3534 Fraudulent Use of Social Security Number or Other Identifying Information - Falsely Claimed To Use Own Social Security Number**
- 3535 Fraudulent Use of Social Security Number or other Identifying Information - Falsely Represented Himself or Herself to be a Business or Other Entity's Representative**
- 3536 Fraudulent Use of Social Security Number or Other Identifying Information - Altered or Sold a Social Security Card**
- 3537 Fraudulent Use of Social Security Number or Other Identifying Information - Made a Counterfeit Social Security Card**
- 3538 Fraudulent Use of Social Security Number or Other Identifying Information - Possessed a Counterfeit Social Security Card with Intent to Sell**

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- 3600 Forgery - Public Accounting Books**
- 3601 Forgery - Corporation's Accounting Books**
- 3602 Forgery - Certificate of Acknowledgment**
- 3603 Forgery - Certificate or Public Security**
- 3604 Forgery - United States Money**
- 3605 Forgery - Foreign Money**
- 3606 Forgery - Possessing Counterfeit Money**
- 3607 Forgery - Falsifying Corporate Debt**
- 3608 Forgery - Destroying a Writing**
- 3609 Forgery - Engraving Plates**
- 3610 Forgery - Acting under False Pretenses**
- 3611 Forgery - Parts of Genuine Instruments Joined to Make One Instrument**
- 3612 Forgery - Court Records**
- 3613 Forgery - Counterfeit Bank Notes**
- 3614 Forgery - Counterfeit Instrument**

- 3615 Forgery - Counterfeit Railroad Tickets**
- 3616 Forgery - Altered Railroad Tickets**
- 3617 Forgery - Selling Counterfeit or Altered Railroad Tickets**
- 3618 Forgery - Possessing Counterfeit or Altered Railroad Tickets with the Intent to Sell**
- 3619 Forgery - Altering a Will or Other Record**
- 3620 Forgery - Altering a Record Entry**
- 3621 Forgery - Counterfeit Seal**
- 3622 Forgery - Counterfeit Seal Impression**
- 3623 Forgery - Selling a Counterfeit Note or Check**
- 3624 Forgery - Counterfeiting Trademarks and Labels**
- 3625 Forgery - Possessing Plates for Counterfeiting Trademarks**
- 3626 Forgery - Selling Goods with Counterfeit Trademarks**
- 3627 Forgery - Passing Counterfeit Instruments or Coins**
- 3628 Forgery - State Treasury Warrant**
- 3629 Forgery - Forging a Will**
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- 3700 Embezzlement - In General**
- 3701 Embezzlement - Converting to Own Use**
- 3702 Embezzlement - Hiding with Intent to Embezzle**
- 3703 Embezzlement - Evidence of Debt**
- 3704 Embezzlement - Evidence of Debt - Converting to Own Use**
- 3705 Buying Embezzled Goods or Receiving Embezzled Money**
- 3706 Embezzlement - Property Being Held in Trust or Under Contract**
- 3707 Embezzlement - Borrowed Property**
- 3708 Preventing Employment by Force or Violence**
- 3709 Conspiracy to Prevent Employment by Force or Violence**
- 3710 Conspiracy to Prevent Employment by Force or Violence - Gathering at a Labor Dispute**
- 3711 Practicing a Profession without a License - Second or Subsequent Offense**
- 3712 Unlawful Restraint of Trade**
- 3713 Unlawfully Copying or Selling Recordings**
- 3714 Unlawfully Copying or Selling Recordings - Second or Subsequent Offense**
- 3715 Unlawfully Recording a Live Performance**
- 3716 Unlawfully Selling or Offering for Sale a Recording**
- 3717 Unlawfully Leasing Equipment for Copying Sounds or Images**
- 3718 Unlawfully Possessing a Recording with Intent to Sell**
- 3719 Unlawfully Manufacturing a Recording without Proper Identification**
- 3720 Unlawfully Selling a Recording without Proper Identification**
- 3721 Unlawfully Causing the Sale of a Recording without Proper Identification**
- 3722 Unlawfully Possessing a Recording without Proper Identification with Intent to Sell**

- 3723 Shoplifting - Felony Amount**
- 3724 Shoplifting - Third Offense**
- 3725 Encouraging a Minor to Shoplift**
- 3726 Money Laundering - Carrying on Unlawful Activity**
- 3727 Money Laundering - Hiding Unlawful Activity or Avoiding Reporting on a Transaction**
- 3728 Money Laundering - Transferring Proceeds from Unlawful Activity**
- 3729 Money Laundering - Property from Unlawful Activity**
- 3730 Home Repair Fraud - Felony Amount**
- 3731 Home Repair Fraud - Second Offense**
- 3732 Home Repair Fraud - By Causing Damage to Property - Felony Amount**
- 3733 Home Repair Fraud - By Causing Damage to Property - Second Offense**
- 3734 Home Repair Fraud - By Claiming to be a Public Employee - Felony Amount**
- 3735 Home Repair Fraud - By Claiming to be a Public Employee - Second Offense**
- 3736 Possessing Retail Sales Receipts with the Intent to Defraud**
- 3737 Residential Mortgage Fraud**

Chapter 38 Offenses Affecting Railroads, Public Utilities, and Carriers

- 3800 Larceny - Electric Power Equipment**
- 3801 Embezzling Passenger Railroad Tickets**
- 3802 Unlawfully Using Passenger Railroad Tickets**
- 3803 Intoxicated Engineer**
- 3804 Intoxicated Conductor**
- 3805 Leaving Switch Open or Improperly Placed**
- 3806 Damaging or Derailing a Railroad Car**
- 3807 Stealing or Interfering with Communications or Signaling Equipment**
- 3808 Leaving Locomotive or Train of Cars on Railroad Crossing**
- 3809 Interfering with a Railroad Company's or Other Business**
- 3810 Interfering with Public Transportation**
- 3811 Shooting a Firearm or Throwing a Missile at a Train**
- 3812 Larceny of Telecommunications Device Equipment**
- 3813 Using a Telecommunications Device with the Intent to Avoid Lawful Charges - Second Offense**
- 3814 Avoiding Lawful Telephone Service Charges - Second Offense**
- 3815 Assisting a Person Avoid Lawful Telephone Service Charges - Second Offense**
- 3816 Possessing or Selling a Device to Help Avoid Paying Lawful Telephone Charges - Second Offense**
- 3817 Possessing Telecommunications Devices with Intent to Sell**
- 3818 Publishing a Credit Card Number to Use to Avoid Paying For Lawful Telephone Charges - Second Offense**
- 3819 Allowing a Valid Credit Card Number to Be Used By Another to Avoid Paying For Lawful Charges - Second Offense**

- 3820 Theft of Telecommunications Services**
- 3821 Airplane Piracy**
- 3822 Assault with Intent to Commit Airplane Piracy**
- 3823 Assault with Intent to Commit Airplane Piracy - By Use of a Deadly Weapon**
- 3824 Boarding an Airplane with a Concealed Deadly Weapon**
- 3825 Nuclear Sabotage - Damage to Facility**
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Chapter 39 Crimes Affecting Public Health

- 3900 Importing a Harmful Biological Substance**
- 3901 Manufacturing a Harmful Biological Substance**
- 3902 Causing a Hoax about Exposure to a Harmful Substance or Device**
- 3903 Intentionally Exposing Someone to HIV or Hepatitis**
- 3904 Endangering by Bodily Substance**
- 3905 Selling a Diseased Animal Product**
- 3906 Selling Unwholesome Bread or Drink**

Chapter 40 Crimes Against Public Morals and Decency

- 4000 Adultery and Fornication - Between People not Allowed to Marry**
- 4001 Adultery and Fornication - Going Out of State to Marry**
- 4002 Bigamy - Marrying a Second Person**
- 4003 Bigamy - Marrying a Person Knowing He or She is Already Married**
- 4004 Bribery - Offering a Bribe in a Sporting Event**
- 4005 Bribery - Asking for a Bribe in a Sporting Event**
- 4006 Unburying a Dead Person**
- 4007 Purchasing or Receiving the Remains of a Dead Person**
- 4008 Digging Up the Grave of a Dead Person for Unlawful Purposes**
- 4009 Digging Up or Abusing a Dead Person's Remains**
- 4010 Incest - Marrying within Prohibited Degrees**
- 4011 Incest - Living Together as Husband and Wife after Divorce Because of Incest**
- 4012 Making an Obscene Telephone Call or Sending an Obscene Email**
- 4013 Having Sexual Intercourse with a Female More than 18 Years Old by False Promise of Marriage**
- 4014 Committing a Crime Against Nature - Having Unnatural Sexual Intercourse**
- 4015 Trespassing by Voyeurism**
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Chapter 41 Intoxicating Beverage Offenses

- 4100 Unlawfully Manufacturing Intoxicating Beverages**
- 4101 Unlawfully Manufacturing Intoxicating Beverages - Second Offense**

- 4102 Unlawfully Possessing a Still**
- 4103 Unlawfully Possessing a Still - Second Offense**
- 4104 Selling or Possessing Intoxicating Beverages - Third Offense**
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Chapter 42 Tobacco Offenses

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Chapter 43 Gambling and Lotteries

- 4300 When a Slot Machine Is a Gambling Device**
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- 4303 Possession of a Gambling Device - Second Offense**
- 4304 Gambling with a Minor**
- 4305 Allowing a Minor to Gamble at Games**
- 4306 Allowing a Minor to Gamble at Gaming Tables**
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Chapter 44 Crimes against Public Peace and Safety

- 4400 Disorderly Conduct Causing Injury or Death**
- 4401 Disorderly Conduct Causing Injury or Death - Aiding or Assisting**

Chapter 45 Weapons and Explosives

- 4500 Carrying a Concealed Weapon - Third Offense**
- 4501 Using an Imitation Firearm - Third Offense**
- 4502 Carrying a Concealed Weapon - By a Convicted Felon**
- 4503 Using an Imitation Firearm - By a Convicted Felon**
- 4504 Possessing a Weapon - By a Convicted Felon**
- 4505 Possessing a Weapon on Educational Property**
- 4506 Causing a Minor to Possess a Weapon on Educational Property**
- 4507 Making a False Bomb or Weapon Report**
- 4508 Possessing Explosives**
- 4509 Bombing**
- 4510 Shooting into a Dwelling House**
- 4511 Possessing or Attempting to Possess a Stolen Firearm**
- 4512 Selling a Stolen Firearm**
- 4513 Trafficking in Stolen Firearms - Possessing or Attempting to Possess**
- 4514 Trafficking in Stolen Firearms - Selling or Attempting to Sell**

- 4515 Trafficking in Stolen Firearms - Possessing or Attempting to Possess Two or More Stolen Firearms**
- 4516 Trafficking in Stolen Firearms - Selling or Attempting to Sell Two or More Stolen Firearms**
- 4517 Committing or Attempting to Commit a Crime While Possessing a Stolen Firearm**
- 4518 Committing a Felony by Using a Firearm**
- 4519 Committing a Felony by Using a Firearm - By a Convicted Felon**

Chapter 46 Dueling

(No instructions)

Chapter 47 Cruelty to Animals

- 4700 Injuring or Killing Livestock**
- 4701 Aggravated Cruelty to a Dog or Cat - Second Offense**
- 4702 Poisoning Animals**
- 4703 Dog Fighting**
- 4704 Being Present at a Dog Fight**
- 4705 Injuring or Killing a Public Service Animal**

Chapter 48 Racketeer Influenced and Corrupt Organization Act (RICO)

- 4800 Racketeering Activity - Definition**
- 4801 Unlawful Debt - Definition**
- 4802 Enterprise - Definition**
- 4803 Pattern of Racketeering Activity - Definition**
- 4804 Proceeds from Racketeering Activity or an Unlawful Debt**
- 4805 Interest in an Enterprise as a Result of Racketeering Activity or an Unlawful Debt**
- 4806 Participating in an Enterprise as a Result of Racketeering Activity or Unlawful Debt**
- 4807 Conspiring or Agreeing to Commit an Unlawful Racketeering Activity**

Chapter 49 Mississippi Streetgang Act

- 4900 Streetgang - Definition**
- 4901 Public Authority - Definition**
- 4902 Streetgang Member - Definition**
- 4903 Streetgang Related - Definition**
- 4904 Participating in Streetgang Activity**
- 4905 Committing or Attempting to Commit a Felony to Benefit a Streetgang**
- 4906 Buying or Selling Goods or Performing Services for a Streetgang**

Chapter 50 Computer Crimes and Identity Theft

- 5000 Access - Definition**
- 5001 Computer - Definition**
- 5002 Computer Network - Definition**
- 5003 Computer Program - Definition**
- 5004 Computer Services - Definition**
- 5005 Computer System - Definition**
- 5006 Damage or Loss - Definition**
- 5007 Device - Definition**
- 5008 Electronic Communication - Definition**
- 5009 Electronic Mail or Email - Definition**
- 5010 Intellectual Property - Definition**
- 5011 Internet - Definition**
- 5012 Medical Records - Definition**
- 5013 Personal Identity Information - Definition**
- 5014 Post a Message - Definition**
- 5015 Property - Definition**
- 5016 Use - Definition**
- 5017 Victim - Definition**
- 5018 Interfering with an Identity Theft Investigation**
- 5019 Interfering with an Identity Theft Investigation by Bribery, Force, or Intimidation**
- 5020 Computer Fraud**
- 5021 Offenses Against Computer Users**
- 5022 Offenses against Computer Equipment or Supplies**
- 5023 Offenses against Intellectual Property**
- 5024 Cyberstalking**
- 5025 Posting a Message to Cause Injury**
- 5026 Identity Theft**
- 5027 Identity Theft - Felony Amount**
- 5028 Unlawfully Using a Scanning Device or Re-encoder**

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 1 Court's Instructions - General

A. General Instructions

100 Preliminary Instructions

You have been selected to serve on the jury to decide this case. Now that jury selection is complete, I will give you some instructions.

The indictment in this case is not evidence or proof of the defendant's guilt. You are not to presume anything from the indictment.

You will hear the evidence during the trial. You must decide what the facts are in this case. You must then apply the law to the facts and return a verdict.

It is my duty as the judge to make sure that the trial is conducted in a fair and orderly way. I will also instruct you on the law that applies to this case. You are required to follow the law as I explain it to you.

You must pay close attention to the witnesses' testimony and the exhibits presented during the trial. You should not make a decision or form an opinion about the case one way or another until you have heard all of the evidence and the closing arguments and have been instructed on the law.

You may not talk to or have any contact with the defendant, the defendant's attorney(s), or the attorney(s) for the State during this trial. They have been told not to talk to or have any contact with you as well. You must not talk to anyone about this case, including your family and friends. If anyone attempts to talk to you about this case or talks about the case in front of you, you should immediately tell either the bailiff or me.

Until you retire to deliberate this case, you must not comment about this case in any way during this trial, even among yourselves. This means that you are not to email anything about this case, post anything about this case on Facebook, MySpace, Twitter, or on a blog, website, or other social networking site, text anything about this case, or update any other type of Internet site.

Until you are discharged from serving on this jury, you are not to read, listen to, or watch any news reports about this case. You must not do any research on your own or as a group about this case or the defendant. You must not use dictionaries, a computer, an electronic device, your phone, the Internet, or any other research materials to learn anything about this case. You are not to contact anyone to ask him or her anything about this case. You must not visit or view the scene(s) of any event(s) involved in this case.

The reason you are not to talk about this case with anyone or conduct your own investigation is so that you can decide the case based on the evidence presented at trial and the law. That is your sworn duty as a juror.

It is my duty to rule on the attorneys' motions and/or objections which are made during the trial. You should not think that I have any opinion about any part of this case based on what I rule or say in response to those motions and/or objections.

I may need to conduct some hearings on trial matters outside your presence. Sometimes these hearings take a long time. I ask you to please be patient and understanding when this happens.

Serving as a juror means that you will have to sit and listen carefully to testimony for a long period of time. If you feel that you need a rest break, please ask for a recess.

Now, I will briefly explain the general way that a trial proceeds. First, the attorney(s) for the State will make an opening statement. [He/She/They] will explain the issues in the case and summarize the facts that the State expects the evidence to show. Next, the defendant's attorney(s) can make an opening statement or [he/she/they] can wait until later in the trial. Opening statements are not evidence. They are only designed to introduce the theory of the case to you. You should listen closely to the opening statements to prepare yourself to hear the witnesses' testimony and the evidence which will follow.

After the opening statements, witnesses will be called to testify under oath and will be questioned by the attorneys. Documents and other exhibits may also be introduced as evidence.

At the end of the trial, I will instruct you on the law. You will have a written copy of the jury instructions to take with you to decide the case.

The State will then make its closing argument, and the attorney(s) for the defendant will follow and make [his/her/their] closing argument as well. The State may decide to respond to the defendant's closing argument.

After the closing arguments are finished, you will go to the jury room to consider the testimony and evidence and decide your verdict. This will be the first time that you are allowed to discuss this case.

As a juror, you must pay close attention and keep an open mind until the case is given to you to decide. You are to decide the facts in this case based on the evidence presented at trial. You should not be influenced by bias, sympathy, or prejudice. Your verdict should not be based on speculation or guesswork. Your verdict must be based on the evidence.

Sources

Mississippi Model Jury Instruction - Criminal 1:1.

Judicial Conference Committee on Court Administration and Case Management - Proposed
Model Jury Instruction 101:13.

Practice Note: The trial court may want to instruct the jury concerning the prohibition against discussing the case, conducting independent research, and using social media several times throughout the trial, including before the trial begins and again before the jury begins its deliberations.

101 General Instruction to Be Read Before the Case Is Given to the Jury to Decide

You have now heard all of the testimony and evidence in this case.

It is my duty now to instruct and explain the law to you that you will follow in deciding this case. It is your sworn duty as a juror to follow the law. I will give you a written copy of the jury instructions to take with you to the jury room.

You are not to question whether any rule of law is a good rule of law or not. Even if you have an opinion as to what the law should be, you must decide the case based on what the law is, as defined in the jury instructions. If you decide the case based on what you think the law should be, it would violate your sworn duty as a juror.

It is my duty to be completely fair and impartial in this case. If I said anything or ruled in a way that made you think that I have an opinion about any part of this case, you must disregard that idea.

Your role is to determine the facts in this case and to consider and weigh the evidence to determine those facts. You must exercise your role as juror with sincere judgment, common sense, and by following the rules of law given to you by the court.

The defendant and the State have a right to expect that you will carefully consider and weigh the evidence and apply the law to the facts. Your verdict must be based only on the evidence and the law.

The evidence that you are to consider is the witnesses' testimony and any exhibits which were admitted into evidence.

As the sole judges of the facts in this case, you must decide what weight to give to the testimony and exhibits. You must also determine the truthfulness of each witness in this case. You should not be influenced by bias, sympathy, or prejudice. Your verdict should not be based on speculation or guesswork. You must use common sense and honest judgment in considering and weighing the testimony of each witness. You are also allowed to draw reasonable conclusions from the evidence.

The attorney's statements are intended only to help you understand the evidence and apply the law. However, the attorney's statements are not evidence. If an attorney's statement is not based on the evidence, then you must not consider that statement.

The introduction of evidence is governed by rules of law. During the trial, I may have ruled on the admissibility of evidence. You must not consider any evidence which I excluded, and you must not think about the reasons why the evidence was excluded. You should not guess about any possible answers to questions which I did not require to be answered, and you should not draw any conclusions from those questions.

A case may require many jury instructions. You cannot follow only one jury instruction but must consider all of the jury instructions together. The order in which I read the jury instructions to you has no significance as to their importance.

Once I finish reading the jury instructions and excuse you to begin your deliberations, the court cannot accept any further evidence or provide you with any exhibits other than those already admitted into evidence. Also, you cannot have a transcript of any testimony taken during the trial unless that transcript was marked and entered into evidence.

During your deliberations, you must not comment on or discuss this case with anyone other than your fellow jurors. You may not use your phone or any other electronic device to email anything about this case; post anything about this case on Facebook, MySpace, Twitter, or on a blog, website, or other social networking site; text anything about this case; update any other type of Internet site; or to do any research about this case or the defendant.

Sources

Mississippi Model Jury Instruction - Criminal 1:2.

Judicial Conference Committee on Court Administration and Case Management - Proposed Model Jury Instruction 103:04.

102 Defendant's Right Not to Testify

The defendant has the Constitutional right not to testify on [his/her] own behalf in this case. You are not to make any [conclusions/inferences] of guilt about the defendant as a result of the defendant exercising [his/her] right not to testify on [his/her] own behalf. You will not consider in any way the defendant's failure to testify during your deliberations.

Sources

Tate v. State, 20 So. 3d 623, 629 (Miss. 2009) (Therefore, the trial court instructed the jury in writing via Jury Instruction D-6 (Instruction No. 5), that the defendant had a constitutional right to not testify, that the jury could not draw any inference from the defendant's failure to testify,

and that the fact that the defendant did not testify should not in any way be considered by the jury during the course of its deliberations.).

Practice Note: This instruction should only be given if the defendant requests the instruction and the defendant did not testify at trial. The trial court should make a finding on the record about the defendant's decision to have or not have this instruction read to the jury.

103 Note-Taking Not Allowed During Trial

You are not allowed to take notes during the trial. There are several reasons why you are not allowed to take notes. One, it is hard to take notes and listen to the witnesses testify. Also, some of you might take lots of notes while others might take very few notes. Those who did not take lots of notes might be influenced by another juror's notes. You are to listen to the testimony, pay close attention to the evidence, and reach a fair and just verdict based on the evidence and the law.

The court reporter will be making a transcript of the trial. However, you will not be able to use the court reporter's transcript during your deliberations.

Sources

Mississippi Model Jury Instruction - Criminal 1:6.

Uniform Rule of Circuit and County Court 3.14.

104 Taking Notes During the Trial

You are allowed to take notes during the trial. You are not required to take notes. Each of you should make his or her own decision about whether to take notes. If you decide to take notes, do not let your note-taking interfere with your ability to listen carefully to all of the testimony and to watch the witnesses as they testify.

You should use your notes only to remind yourself of what evidence was presented during the trial. Your memory of the testimony and evidence should guide you in reaching your verdict. You should not be influenced by the notes of other jurors.

The court reporter will be making a transcript of the trial. However, you will not be able to use the court reporter's transcript during your deliberations.

[You have been given notebooks or legal pads by the court. Do not take the notebooks or legal pads out of the courtroom.]

[You may take your notes with you into the jury room.] OR [You may not take your notes with you into the jury room.]

At the end of the trial, your notes will be collected and destroyed.

If you choose to take notes, your notes should only be used by you during the jury deliberations. You should not share your notes with other jurors. You should use your notes to remind yourself of what evidence was presented during the trial. You should decide the case based on your memory of the trial proceedings. You should not let another juror's notes influence you if those notes are different from your memory or understanding of the evidence. You must form your own opinion based on the evidence and the law and return a verdict.

Sources

Mississippi Model Jury Instructions - Criminal 1:7 and 1:8.

Uniform Rule of Circuit and County Court 3.14.

Committee Note: Instruction 103 contains a substantive change from Uniform Rule of Circuit and County Court 3.14.

105 Selection of a Foreperson and Communicating with the Court During Deliberations

When you go to the jury room, you [may/should] choose a foreperson. If you need to speak to the court or ask the court questions, please write down what you need to discuss and/or your questions and give the note to the bailiff. You must not try to talk to me except in this manner. I will not speak to you except in court or in writing.

Sources

Mississippi Model Jury Instruction - Criminal 1:18.

Judicial Council of California Criminal Jury Instruction 3550.

106 Jury's Verdict - Unanimous Verdict

The jury's verdict must be the considered judgment of each juror. In order to return a verdict, all 12 of you must agree on the verdict to find the defendant guilty as charged. It is your duty as jurors to talk with one another, to carefully consider the evidence, and to deliberate this case with the intention of returning a verdict if you can do so without harming your individual judgment. You should try to agree on a verdict if you can.

Each of you must decide the case for yourself, but only after you have impartially considered the evidence with your fellow jurors. During your deliberations, do not hesitate to reexamine your own views and change your opinion if you are convinced that it is wrong. But do not surrender your honest beliefs as to the weight or effect of the evidence only because of your fellow jurors' opinions or for the mere purpose of returning a verdict.

Sources

Mississippi Model Jury Instruction - Criminal 1:19.

Judicial Council of California Criminal Jury Instruction 3550.

107 Instruction for Deadlocked Jury

I know that 12 people can have different opinions about a case. However, if all of you can agree on a verdict in this case, then you should try to do so. It is your duty as jurors to talk with one another, to carefully consider the evidence, and to reach a verdict in this case. Each of you must decide this case for yourself but only after considering the evidence and discussing it with each other. While deciding this case, do not hesitate to re-examine your own views and change your mind, but only if you become convinced that you were wrong. Do not change your mind or opinion just because other jurors disagree with you or simply to return a verdict. Please continue your deliberations.

Sources

Mississippi Model Jury Instruction - Criminal 1:20.

108 General Pattern Instruction

[Name of defendant] has been charged in count ____ with _____
[specify crime charged].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of offense], in _____ County;
2. [Elements of crime];
3. [Elements of crime]; and
4. [Elements of crime],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 1:4.

109 General Pattern Instruction - Lesser-Included Offenses

If you find that the State did not prove any one of the elements of the crime charged, then you must find [name of defendant] not guilty of that crime. You will then proceed with your deliberations to decide whether the State has proved beyond a reasonable doubt all of the elements of the lesser crime of _____ [specify lesser crime].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of offense], in _____ County;
2. [Elements of lesser crime];
3. [Elements of lesser crime]; and
4. [Elements of lesser crime],

then you shall find [name of defendant] guilty of _____ [specify lesser crime].

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of _____ [specify lesser crime].

Sources

Mississippi Model Jury Instruction - Criminal 1:5.

B. Form of the Verdict Instructions

110 Form of the Verdict - General

If you find the defendant guilty as charged, the form of your verdict shall be as follows:

“We, the jury, find the defendant guilty as charged.”

If you find the defendant not guilty, the form of your verdict shall be as follows:

“We, the jury, find the defendant not guilty.”

You should write your verdict on a separate sheet of paper. It does not need to be signed.

Sources

Mississippi Model Jury Instruction - Criminal 1:22.

111 Form of the Verdict - When Sentence of Life Imprisonment Is Possible

If you find [name of defendant] guilty as charged, you may [fix/set] [his/her] punishment at life imprisonment if all 12 of you agree. In this case, the form of your verdict shall be as follows:

“We, the jury, find the defendant guilty as charged and unanimously [fix/set] [his/her] punishment at life imprisonment.”

If you find [name of defendant] guilty as charged, but all 12 of you do not agree that [his/her] punishment should be [fixed/set] at life imprisonment, then the form of your verdict shall be as follows:

“We, the jury, find the defendant guilty as charged.”

You are instructed that if you find [name of defendant] not guilty, the form of your verdict shall be as follows:

“We, the jury, find the defendant not guilty.”

Your verdict must be in one of the three forms written above. You should write your verdict on a separate sheet of paper. It does not need to be signed.

Sources

Mississippi Model Jury Instruction - Criminal 1:23.

C. Capital Murder Sentencing Instructions

112A Capital Murder Sentencing Instruction – Jury Must Write Each Element

You have found [name of defendant] guilty of the crime of capital murder. You must now decide whether [name of defendant] will be sentenced to death or life imprisonment without parole. In reaching your decision, you must [objectively/carefully] consider the detailed circumstances of the offense for which [name of defendant] was convicted, and the character and record of [name of defendant] [himself/herself]. You must consider and weigh any aggravating and mitigating circumstances as set out later in this instruction. You are cautioned not to be swayed by mere sentiment, [conjecture/speculation], sympathy, passion, prejudice, public opinion, or public feeling.

A.

First, to return the death penalty in this case you must unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the following facts exist:

1. [Name of defendant] actually killed [name of victim];
2. [Name of defendant] attempted to kill [name of victim];
3. [Name of defendant] intended that the killing of [name of victim] take place; or
4. [Name of defendant] [contemplated/thought] that [lethal/deadly] force would be [employed/used].

If you do not find that any of the above facts exist beyond a reasonable doubt from the evidence, then the death penalty [cannot/shall not] be imposed, and you shall write the following verdict on a sheet of paper [or you may fill in the attached verdict form]:

“We, the jury, find the defendant should be sentenced to life imprisonment without parole.”

However, if you unanimously find beyond a reasonable doubt from the evidence that one

(1) or more of the above facts do exist, then you may continue to section B.

List the fact(s) from above, **if any**, which you found do exist: _____

B.

Next, you must consider whether there are any aggravating circumstances to this crime.

Aggravating circumstances are those circumstances which tend to support the death penalty.

Consider only the following aggravating circumstances in determining whether the death penalty should be imposed:

- [1. The capital offense was committed by a person under a sentence of imprisonment;]
- [2. [Name of defendant] was previously convicted of another capital offense or of a felony involving the use or threat of violence to the person;]
- [3. [Name of defendant] knowingly created a great risk of death to many [persons/people];]
- [4. The capital offense was committed while [name of defendant] was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, a robbery, rape, arson, burglary, kidnapping, aircraft piracy, sexual battery, unnatural intercourse with a child under the age of 12, or nonconsensual unnatural intercourse with mankind, or felonious abuse and/or battery of a child in violation of Section 97-5-39(2) of the Mississippi Code of 1972, or the unlawful use or detonation of a bomb or explosive device;]
- [5. The capital offense was committed for the purpose of avoiding or preventing a lawful arrest or [effecting an escape/escaping] from custody;]
- [6. The capital offense was committed for [pecuniary/financial/monetary] gain;]
- [7. The capital offense was committed to [disrupt/interrupt/hinder/interfere with] the lawful

exercise of a governmental function or the enforcement of laws;] or

[8. The capital offense was especially heinous, atrocious, or cruel.]

You must unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above aggravating circumstances exist in this case in order to return the death penalty. If you do not find that one (1) or more of these aggravating circumstances exist, then the death penalty [cannot/shall not] be imposed, [you should not deliberate any further¹], and you shall write the following verdict on a sheet of paper [or you may fill in the attached verdict form]:

“We, the jury, find the defendant should be sentenced to life imprisonment without parole.”

However, if you unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above aggravating circumstances do exist, then you may continue to section C.

List the aggravating circumstance(s) from above, **if any**, which you found do exist: _____

C.

If you unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above aggravating circumstances exist, then you must consider whether there are any mitigating circumstances to this crime or any mitigating circumstances concerning [name of defendant]. Mitigating circumstances are those circumstances which tend to support the less

¹ Committee Note: The criminal subcommittee was equally divided about whether this language was needed. The intent of the language is to emphasize the step-by-step process necessary to impose the death penalty.

severe penalty of life imprisonment without parole. Consider the following mitigating circumstances:

- [1. [Name of defendant] has no significant history of prior criminal activity;]
- [2. The offense was committed while [name of defendant] was under the influence of an extreme mental or emotional disturbance;]
- [3. [Name of victim] was a participant in [name of defendant]'s conduct or consented to the act;]
- [4. [Name of defendant] was an accomplice in the capital offense committed by another person and [his/her] participation was relatively minor;]
- [5. [Name of defendant] acted under extreme duress or under the substantial [domination/control] of another person;]
- [6. The capacity of [name of defendant] to [appreciate the criminality of [his/her] conduct/understand that [his/her] actions were criminal] or to [conform/change] [his/her] conduct to the requirements of the law was substantially [impaired/affected];]
- [7. The age of [name of defendant] at the time of the crime;] and
- 8/_. Any other matter, any other aspect of [name of defendant]'s character or record, and any other circumstance of the offense brought to you during the trial of this case which you find to be mitigating on behalf of [name of defendant].

If you find from the evidence that one (1) or more of the above mitigating circumstances exist, then each of you must consider whether [it/they] outweigh(s) or overcome(s) the aggravating circumstance(s) which you have previously found. If you find that the mitigating circumstance(s) [do/does] outweigh or overcome the aggravating circumstance(s), then you [cannot/shall not] impose the death penalty.

However, if you unanimously find beyond a reasonable doubt from the evidence that there are insufficient mitigating circumstance(s) to outweigh the aggravating circumstance(s), then you may impose the death sentence. Continue to section D.

D.

You must write the verdict on a separate sheet of paper [or you may fill in the attached verdict form]. The foreperson must sign the written verdict. You should write your verdict in one of the following forms:

1. We, the jury, unanimously find beyond a reasonable doubt from the evidence that the following fact(s) existed at the time of the commission of the capital murder (list the fact(s) found in section A):

Next, we, the jury, unanimously find beyond a reasonable doubt from the evidence that the following aggravating circumstance(s) exist(s) (list the aggravating circumstance(s) found in section B):

And there are insufficient mitigating circumstance(s) to outweigh the aggravating circumstance(s). Therefore, we, the jury, unanimously find that [name of defendant] should suffer death.

Foreperson of the jury

2. We, the jury, unanimously find that [name of defendant] should be sentenced to life imprisonment without parole.

Foreperson of the jury

3. We, the jury, are unable to agree unanimously on punishment.

Foreperson of the jury

Sources

Mississippi Model Jury Instruction - Criminal 1:24.

Miss. Code Ann. § 99-19-101.

Practice Note: Only the aggravating circumstances which are supported by the evidence should be listed in the sentencing instruction. Therefore, the aggravating circumstances are contained in brackets.

Practice Note: Only the mitigating circumstances which are supported by the evidence should be listed in the sentencing instruction. Therefore, seven of the mitigating circumstances are contained in brackets. However, the last mitigating circumstance, listed as “8/_,” must always be included in the sentencing instruction. Failure to do so is reversible error.

Practice Note: The trial court may decide to offer the words or phrases which are contained in brackets as plain language alternatives to some words in the instruction.

Practice Note: The trial court has the discretion to submit the sentencing instruction to the jury and instruct the jury to fill out the sentencing instruction to serve as the verdict form, or in the alternative, to submit the sentencing instruction with a separate verdict form, with instructions

that the verdict form must contain the elements specified in the sentencing instruction. *See* Instruction 116.

Committee Note: The criminal subcommittee is submitting multiple versions of the death penalty jury instruction for the Mississippi Supreme Court to consider what constitutes written findings pursuant to Miss. Code Ann. § 99-19-101 (1972).

112B Capital Murder Sentencing Instruction – Jury Can Refer to Findings Already Made

You have found [name of defendant] guilty of the crime of capital murder. You must now decide whether [name of defendant] will be sentenced to death or life imprisonment without parole. In reaching your decision, you must [objectively/carefully] consider the detailed circumstances of the offense for which [name of defendant] was convicted, and the character and record of [name of defendant] [himself/herself]. You must consider and weigh any aggravating and mitigating circumstances as set out later in this instruction. You are cautioned not to be swayed by mere sentiment, [conjecture/speculation], sympathy, passion, prejudice, public opinion, or public feeling.

A.

First, to return the death penalty in this case you must unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the following facts exist:

1. [Name of defendant] actually killed [name of victim];
2. [Name of defendant] attempted to kill [name of victim];
3. [Name of defendant] intended that the killing of [name of victim] take place; or
4. [Name of defendant] [contemplated/thought] that [lethal/deadly] force would be [employed/used].

If you do not find that any of the above facts exist beyond a reasonable doubt from the evidence, then the death penalty [cannot/shall not] be imposed, and you shall write the following verdict on a sheet of paper [or you may fill in the attached verdict form]:

“We, the jury, find the defendant should be sentenced to life imprisonment without parole.”

However, if you unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above facts do exist, then you may continue to section B.

List the fact(s) from above, **if any**, which you found do exist: _____

B.

Next, you must consider whether there are any aggravating circumstances to this crime. Aggravating circumstances are those circumstances which tend to support the death penalty. Consider only the following aggravating circumstances in determining whether the death penalty should be imposed:

- [1. The capital offense was committed by a person under a sentence of imprisonment;]
- [2. [Name of defendant] was previously convicted of another capital offense or of a felony involving the use or threat of violence to the person;]
- [3. [Name of defendant] knowingly created a great risk of death to many [persons/people];]
- [4. The capital offense was committed while [name of defendant] was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, a robbery, rape, arson, burglary, kidnapping, aircraft piracy, sexual battery, unnatural intercourse with a child under the age of 12, or nonconsensual unnatural intercourse

with mankind, or felonious abuse and/or battery of a child in violation of Section 97-5-39(2) of the Mississippi Code of 1972, or the unlawful use or detonation of a bomb or explosive device;]

[5. The capital offense was committed for the purpose of avoiding or preventing a lawful arrest or [effecting an escape/escaping] from custody;]

[6. The capital offense was committed for [pecuniary/financial/monetary] gain;]

[7. The capital offense was committed to [disrupt/interrupt/hinder/interfere with] the lawful exercise of a governmental function or the enforcement of laws;] or

[8. The capital offense was especially heinous, atrocious, or cruel.]

You must unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above aggravating circumstances exist in this case in order to return the death penalty. If you do not find that one (1) or more of these aggravating circumstances exist, then the death penalty [cannot/shall not] be imposed, [you should not deliberate any further²], and you shall write the following verdict on a sheet of paper [or you may fill in the attached verdict form]:

“We, the jury, find the defendant should be sentenced to life imprisonment without parole.”

However, if you unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above aggravating circumstances do exist, then you may continue to section C.

List the aggravating circumstance(s) from above, **if any**, which you found do exist: _____

² Committee Note: The criminal subcommittee was equally divided about whether this language was needed. The intent of the language is to emphasize the step-by-step process necessary to impose the death penalty.

C.

If you unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above aggravating circumstances exist, then you must consider whether there are any mitigating circumstances to this crime or any mitigating circumstances concerning [name of defendant]. Mitigating circumstances are those circumstances which tend to support the less severe penalty of life imprisonment without parole. Consider the following mitigating circumstances:

[1. [Name of defendant] has no significant history of prior criminal activity;]

[2. The offense was committed while [name of defendant] was under the influence of an extreme mental or emotional disturbance;]

[3. [Name of victim] was a participant in [name of defendant]'s conduct or consented to the act;]

[4. [Name of defendant] was an accomplice in the capital offense committed by another person and [his/her] participation was relatively minor;]

[5. [Name of defendant] acted under extreme duress or under the substantial [domination/control] of another person;]

[6. The capacity of [name of defendant] to [appreciate the criminality of [his/her] conduct/understand that [his/her] actions were criminal] or to [conform/change] [his/her] conduct to the requirements of the law was substantially [impaired/affected];]

[7. The age of [name of defendant] at the time of the crime;] and

8/_. Any other matter, any other aspect of [name of defendant]'s character or record, and any other circumstance of the offense brought to you during the trial of this case which you find to be

mitigating on behalf of [name of defendant].

If you find from the evidence that one (1) or more of the above mitigating circumstances exist, then each of you must consider whether [it/they] outweigh(s) or overcome(s) the aggravating circumstance(s) which you have previously found. If you find that the mitigating circumstance(s) [do/does] outweigh or overcome the aggravating circumstance(s), then you [cannot/shall not] impose the death penalty.

However, if you unanimously find beyond a reasonable doubt from the evidence that there are insufficient mitigating circumstance(s) to outweigh the aggravating circumstance(s), then you may impose the death sentence. Continue to section D.

D.

You must write the verdict on a separate sheet of paper [or you may fill in the attached verdict form]. The foreperson must sign the written verdict. You should write your verdict in one of the following forms:

1. We, the jury, unanimously find beyond a reasonable doubt from the evidence the fact(s) found in subsection A. We, the jury, unanimously find the aggravating circumstance(s) found in subsection B. And there are insufficient mitigating circumstance(s) to outweigh the aggravating circumstance(s). Therefore, we, the jury, unanimously find that [name of defendant] should suffer death.

Foreperson of the jury

2. We, the jury, unanimously find that [name of defendant] should be sentenced to life imprisonment without parole.

Foreperson of the jury

3. We, the jury, are unable to agree unanimously on punishment.

Foreperson of the jury

Sources

Mississippi Model Jury Instruction - Criminal 1:24.

Miss. Code Ann. § 99-19-101.

Practice Note: Only the aggravating circumstances which are supported by the evidence should be listed in the sentencing instruction. Therefore, the aggravating circumstances are contained in brackets.

Practice Note: Only the mitigating circumstances which are supported by the evidence should be listed in the sentencing instruction. Therefore, seven of the mitigating circumstances are contained in brackets. However, the last mitigating circumstance, listed as “8/_,” must always be included in the sentencing instruction. Failure to do so is reversible error.

Practice Note: The trial court may decide to offer the words or phrases which are contained in brackets as plain language alternatives to some words in the instruction.

Practice Note: The trial court has the discretion to submit the sentencing instruction to the jury and instruct the jury to fill out the sentencing instruction to serve as the verdict form, or in the alternative, to submit the sentencing instruction with a separate verdict form, with instructions that the verdict form must contain the elements specified in the sentencing instruction. *See* Instruction 116.

Committee Note: The criminal subcommittee is submitting multiple versions of the death penalty jury instruction for the Mississippi Supreme Court to consider what constitutes written findings pursuant to Miss. Code Ann. § 99-19-101 (1972).

112C Capital Murder Sentencing Instruction – Checklist Version

You have found [name of defendant] guilty of the crime of capital murder. You must now decide whether [name of defendant] will be sentenced to death or life imprisonment without parole. In reaching your decision, you must [objectively/carefully] consider the detailed circumstances of the offense for which [name of defendant] was convicted, and the character and record of [name of defendant] [himself/herself]. You must consider and weigh any aggravating and mitigating circumstances as set out later in this instruction. You are cautioned not to be swayed by mere sentiment, [conjecture/speculation], sympathy, passion, prejudice, public opinion, or public feeling.

A.

First, to return the death penalty in this case you must unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the following facts exist. Please check the following fact(s), if any, that you unanimously find beyond a reasonable doubt from the evidence:

- _____ 1. [Name of defendant] actually killed [name of victim];
- _____ 2. [Name of defendant] attempted to kill [name of victim];
- _____ 3. [Name of defendant] intended that the killing of [name of victim] take place; or
- _____ 4. [Name of defendant] [contemplated/thought] that [lethal/deadly] force would be [employed/used].

If you do not find that any of the above facts exist beyond a reasonable doubt from the evidence, then the death penalty [cannot/shall not] be imposed, and you shall write the following verdict on a sheet of paper [or you may fill in the attached verdict form]:

“We, the jury, find the defendant should be sentenced to life imprisonment without parole.”

However, if you unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above facts do exist, then you may continue to section B.

B.

Next, you must consider whether there are any aggravating circumstances to this crime. Aggravating circumstances are those circumstances which tend to support the death penalty. Consider only the following aggravating circumstances in determining whether the death penalty should be imposed. Please check the following aggravating circumstance(s), if any, that you unanimously find beyond a reasonable doubt from the evidence:

_____ [1. The capital offense was committed by a person under a sentence of imprisonment;]

_____ [2. [Name of defendant] was previously convicted of another capital offense or of a felony involving the use or threat of violence to the person;]

_____ [3. [Name of defendant] knowingly created a great risk of death to many [persons/people];]

_____ [4. The capital offense was committed while [name of defendant] was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, a robbery, rape, arson, burglary, kidnapping, aircraft piracy, sexual battery, unnatural intercourse with a child under the age of 12, or nonconsensual

unnatural intercourse with mankind, or felonious abuse and/or battery of a child in violation of Section 97-5-39(2) of the Mississippi Code of 1972, or the unlawful use or detonation of a bomb or explosive device;]

_____ [5. The capital offense was committed for the purpose of avoiding or preventing a lawful arrest or [effecting an escape/escaping] from custody;]

_____ [6. The capital offense was committed for [pecuniary/financial/monetary] gain;]

_____ [7. The capital offense was committed to [disrupt/interrupt/hinder/interfere with] the lawful exercise of a governmental function or the enforcement of laws;] or

_____ [8. The capital offense was especially heinous, atrocious, or cruel.]

You must unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above aggravating circumstances exist in this case in order to return the death penalty. If you do not find that one (1) or more of these aggravating circumstances exist, then the death penalty [cannot/shall not] be imposed, [you should not deliberate any further³], and you shall write the following verdict on a sheet of paper [or you may fill in the attached verdict form]:

“We, the jury, find the defendant should be sentenced to life imprisonment without parole.”

However, if you unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above aggravating circumstances do exist, then you may continue to section C.

C.

³ Committee Note: The criminal subcommittee was equally divided about whether this language was needed. The intent of the language is to emphasize the step-by-step process necessary to impose the death penalty.

If you unanimously find beyond a reasonable doubt from the evidence that one (1) or more of the above aggravating circumstances exist, then you must consider whether there are any mitigating circumstances to this crime or any mitigating circumstances concerning [name of defendant]. Mitigating circumstances are those circumstances which tend to support the less severe penalty of life imprisonment without parole. Consider the following mitigating circumstances:

- [1. [Name of defendant] has no significant history of prior criminal activity;]
- [2. The offense was committed while [name of defendant] was under the influence of an extreme mental or emotional disturbance;]
- [3. [Name of victim] was a participant in [name of defendant]'s conduct or consented to the act;]
- [4. [Name of defendant] was an accomplice in the capital offense committed by another person and [his/her] participation was relatively minor;]
- [5. [Name of defendant] acted under extreme duress or under the substantial [domination/control] of another person;]
- [6. The capacity of [name of defendant] to [appreciate the criminality of [his/her] conduct/understand that [his/her] actions were criminal] or to [conform/change] [his/her] conduct to the requirements of the law was substantially [impaired/affected];]
- [7. The age of [name of defendant] at the time of the crime;] and
- 8/_. Any other matter, any other aspect of [name of defendant]'s character or record, and any other circumstance of the offense brought to you during the trial of this case which you find to be mitigating on behalf of [name of defendant].

If you find from the evidence that one (1) or more of the above mitigating circumstances exist, then each of you must consider whether [it/they] outweigh(s) or overcome(s) the aggravating circumstance(s) which you have previously found. If you find that the mitigating circumstance(s) [do/does] outweigh or overcome the aggravating circumstance(s), then you [cannot/shall not] impose the death penalty.

However, if you unanimously find beyond a reasonable doubt from the evidence that there are insufficient mitigating circumstance(s) to outweigh the aggravating circumstance(s), then you may impose the death sentence. Continue to section D.

D.

You must write the verdict on a separate sheet of paper [or you may fill in the attached verdict form]. The foreperson must sign the written verdict. You should write your verdict in one of the following forms:

1. We, the jury, unanimously find beyond a reasonable doubt from the evidence the fact(s) found in subsection A. We, the jury, unanimously find the aggravating circumstance(s) found in subsection B. And there are insufficient mitigating circumstance(s) to outweigh the aggravating circumstance(s). Therefore, we, the jury, unanimously find that [name of defendant] should suffer death.

Foreperson of the jury

2. We, the jury, unanimously find that [name of defendant] should be sentenced to life imprisonment without parole.

Foreperson of the jury

3. We, the jury, are unable to agree unanimously on punishment.

Foreperson of the jury

Sources

Mississippi Model Jury Instruction - Criminal 1:24.

Miss. Code Ann. § 99-19-101.

Practice Note: Only the aggravating circumstances which are supported by the evidence should be listed in the sentencing instruction. Therefore, the aggravating circumstances are contained in brackets.

Practice Note: Only the mitigating circumstances which are supported by the evidence should be listed in the sentencing instruction. Therefore, seven of the mitigating circumstances are contained in brackets. However, the last mitigating circumstance, listed as “8/_,” must always be included in the sentencing instruction. Failure to do so is reversible error.

Practice Note: The trial court may decide to offer the words or phrases which are contained in brackets as plain language alternatives to some words in the instruction.

Practice Note: The trial court has the discretion to submit the sentencing instruction to the jury and instruct the jury to fill out the sentencing instruction to serve as the verdict form, or in the alternative, to submit the sentencing instruction with a separate verdict form, with instructions that the verdict form must contain the elements specified in the sentencing instruction. *See* Instruction 116.

Committee Note: The criminal subcommittee is submitting multiple versions of the death penalty

jury instruction for the Mississippi Supreme Court to consider what constitutes written findings pursuant to Miss. Code Ann. § 99-19-101 (1972).

113 Aggravating Circumstance - Heinous, Atrocious, or Cruel - Definitions

One aggravating circumstance that you must consider is whether the capital offense was especially heinous, atrocious, or cruel. “Heinous” means extremely wicked or shockingly evil. “Atrocious” means outrageously wicked and vile. “Cruel” means designed to inflict a high degree of pain with indifference to, or even enjoyment of, the suffering of others. An especially heinous, atrocious, or cruel capital offense is one accompanied by such additional acts as to set the crime apart from the norm of capital murders – the conscienceless or pitiless crime which is unnecessarily torturous to the victim.

If you find beyond a reasonable doubt from the evidence that [name of defendant] utilized a method of killing which caused serious mutilation; that there was dismemberment of the body prior to death; that [name of defendant] inflicted physical or mental pain before death; that there was mental torture and aggravation before death; or that a lingering or tortuous death was suffered by the victim, then you may find this aggravating circumstance.

Sources

Edwards v. State, 737 So. 2d 275, 315 (Miss. 1999) (citations omitted) (Sentencing Instruction CS-4 reads as follows: The Court instructs the jury that in considering whether the capital offense was especially heinous, atrocious or cruel; heinous means extremely wicked or shockingly evil; atrocious means outrageously wicked and vile; and cruel means designed to inflict a high degree of pain with indifference to, or even enjoyment of the suffering of others. An especially heinous, atrocious or cruel capital offense is one accompanied by such additional acts as to set the crime

apart from the norm of capital murders-the conscienceless or pitiless crime which is unnecessarily torturous to the victim. If you find from the evidence beyond a reasonable doubt that the defendant utilized a method of killing which caused serious mutilation, that there was dismemberment of the body prior to death, that the defendant inflicted physical or mental pain before death, that there was mental torture and aggravation before death, or that a lingering or torturous death was suffered by the victim, then you may find this aggravating circumstance. . . . However, this Court recently held that this exact narrowing instruction on the HAC aggravator satisfied constitutional requirements. . . . As there is no basis for reversal on this issue, we find this assignment of error to be without merit.).

114 Weighing Aggravating Circumstances Compared to Mitigating Circumstances

I must emphasize to you that the procedure that you must follow is not simply a counting process of a certain number of aggravating circumstances [versus/compared to] the number of mitigating circumstances. Instead, you must apply your reasoning and judgment in light of the total circumstances of the case, as to whether this [situation/case] calls for life imprisonment or whether it requires the imposition of the death penalty.

Sources

Watts v. State, 733 So. 2d 214, 239 (Miss. 1999) (Watts concedes that Sentencing Instruction No. 3, submitted by the State, is a “far more accurate statement of the law.” That instruction provided as follows: The Court instructs the jury that it must be emphasized that the procedure you must follow is not a mere counting process of a certain number of aggravating circumstances versus the number of mitigating circumstances. Rather, you must apply your reasoned judgment as to whether this situation calls for life imprisonment or whether it requires the imposition of death,

in light of the totality of the circumstances present. This Court considers whether the instructions given to the jury, read as a whole, fairly announce the law of the case. Read together, the instructions fairly advise the jury that the consideration of aggravating and mitigating factors is not a mere numbers game.).

115 Consideration of Mitigating Circumstances

Each of you, as individual jurors, must consider mitigating circumstances. Therefore, even if all the other jurors find that a certain mitigating circumstance does not exist and you believe that it does exist, then you must find that mitigating circumstance does exist and weigh it in your further deliberations.

Sources

Blue v. State, 674 So. 2d 1184, 1227 (Miss. 1996) *overruled on other grounds by King v. State*, 784 So. 2d 884 (Miss. 2001) (The defense requested that the jury be instructed [with DS-4]: [Y]ou, as individual jurors, must consider mitigating circumstances. Therefore, even if all other eleven jurors find that a certain mitigating circumstance does not exist, if you believe it does exist, you must find that mitigating circumstance, and weigh it in your further deliberations. The court refused the instruction reasoning that the instruction was contrary to case law, and that the jury must first find aggravating circumstances and then weigh them against mitigating circumstances. . . . We hold that the trial court's refusal of instruction DS-4 was not reversible error. . . . This Court, as we have done on other occasions, encourages trial judges to approve this instruction when offered in this exact language and submit it to juries in the future. While S-1 remains a valid instruction, DS-4, a correct statement of the law cannot help but render additional light on the subject matter and issue involved.).

Foreperson of the jury

OR

2. SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE

Foreperson of the jury

OR

3. UNABLE TO UNANIMOUSLY AGREE ON A PUNISHMENT

Foreperson of the jury

Sources

See Mississippi Model Jury Instruction - Criminal 1:24.

See Miss. Code Ann. § 99-19-101.

Practice Note: The trial court has the discretion to submit a sentencing instruction with a separate verdict form, with instructions that the verdict form must contain the elements specified in the sentencing instruction, or in the alternative, to submit a sentencing instruction to the jury and instruct the jury to fill out the sentencing instruction to serve as the verdict form. *See* Instruction 112A-C.

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 2 Court's Instructions - Evidence

200 Presumption of Innocence – Direct Evidence Case

A defendant is presumed innocent. This presumption of innocence requires that the State must prove that the defendant is guilty beyond a reasonable doubt. This presumption of innocence stays with the defendant throughout the trial or until the evidence convinces the jury of the defendant's guilt beyond a reasonable doubt. The defendant is not required to prove [his/her] innocence.

Sources

Mississippi Model Jury Instruction - Criminal 1:9.

201 Presumption of Innocence – Circumstantial Evidence Case

A defendant is presumed innocent. This presumption of innocence requires that the State must prove that the defendant is guilty beyond a reasonable doubt and to the exclusion of any reasonable explanation of the defendant's innocence. This presumption of innocence stays with the defendant throughout the trial or until the evidence convinces the jury of the defendant's guilt beyond a reasonable doubt and to the exclusion of any reasonable explanation of the defendant's innocence. The defendant is not required to prove [his/her] innocence.

Sources

Mississippi Model Jury Instructions - Criminal 1:9 and 1:16.

202 Admissibility of Defendant's Statement for Impeachment Purposes

You have heard evidence that the defendant made a statement out of court or before trial. That statement cannot be considered as proof or evidence that the defendant is guilty of the crime

charged. That statement may only be used to consider the defendant's truthfulness as a witness.

Sources

Mississippi Model Jury Instruction - Criminal 1:12.

Judicial Council of California Criminal Jury Instruction 305.

Federal Jury Practice and Instructions: Pattern Criminal Jury Instruction 42.

Practice Note: This instruction should only be used when the defendant testifies at trial, and the prior statement has been suppressed.

203 Accomplice Testimony to Be Considered with Caution

A. [Name of alleged accomplice witness] is [name of defendant]'s alleged accomplice in this case. If you find that [name of alleged accomplice witness]'s testimony is not supported by other evidence in this case, then you should consider [his/her] testimony cautiously and with great suspicion and determine whether it is reasonable, inconsistent, or has been impeached.

B. [Name of alleged accomplice witness] is [name of defendant]'s alleged accomplice in this case. If you find that [name of alleged accomplice witness]'s testimony is not supported by other evidence in this case, then you must consider [name of alleged accomplice witness]'s testimony with great care, caution, suspicion, and distrust.

Sources

Mississippi Model Jury Instruction - Criminal 1:14.

Smith v. State, 907 So. 2d 292, 298 (Miss. 2005) (citations omitted) (We take this opportunity to clarify that when an accomplice instruction is required, the trial court must inform the jury that an accomplice's testimony which is uncorroborated by other evidence must be viewed with great caution and suspicion. The testimony of an accomplice is not required to be viewed with great

caution and suspicion just because he is an accomplice, but instead it is only that portion of an accomplice's testimony which is uncorroborated by other evidence which is viewed with great caution and suspicion. The jury instruction given by the trial court properly stated that if the jury found the testimony of the alleged accomplice to be uncorroborated by other evidence, then the jury should view his testimony with great caution and suspicion. This is a correct statement of the law. . . .).

Practice Note: The trial court should only give this instruction when the accomplice's testimony is not supported by other evidence in the case.

Committee Note: The criminal subcommittee has submitted two versions of this instruction. Either of which may be used by the trial court as needed.

204 Evidence of Witness's Prior Conviction

You have heard evidence that [name of witness] has been convicted of _____ [specify crime]. You may consider that previous conviction for the limited purpose of determining [name of witness]'s truthfulness as a witness.

Sources

Mississippi Rule of Evidence 609(a).

205 Evidence of Defendant's Character

You have heard evidence about [name of defendant]'s prior bad acts of _____ [specify prior bad acts]. You are not to consider the prior bad acts as evidence that [name of defendant] committed the crime for which [he/she] is now charged. You may consider the prior bad acts for the limited purpose of establishing motive, opportunity, identity, intent, plan, preparation, knowledge, absence of mistake, or accident.

Sources

Mississippi Rule of Evidence 404(b).

Practice Note: The trial court should amend this instruction to specify the limited purpose for which the evidence is offered.

206 Prior Inconsistent Statement by a Witness

You have heard evidence that a witness made a statement out of court or before trial that is different from that witness's testimony at trial. If you believe that the witness made the earlier statement and that it is in fact different from the witness's testimony, then you must use that earlier statement only to determine the weight and truthfulness of the witness's testimony.

Sources

Mississippi Model Jury Instruction - Criminal 1:15.

207 Use of Circumstantial Evidence

If the State has used circumstantial evidence to prove its case against the defendant, then the evidence must be so strong as to convince you that the defendant is guilty beyond a reasonable doubt and to the exclusion of any reasonable explanation of the defendant's innocence.

Sources

Mississippi Model Jury Instruction - Criminal 1:16.

See Goff v. State, 14 So. 3d 625, 662 (Miss. 2009) (citation omitted) (In *Kitchens*, we affirmed the trial court's refusal to grant a two-theory instruction, both because the evidence was not entirely circumstantial and the general circumstantial-evidence instruction had been granted. . . .

We hold today that *Kitchens* provides the better rule: "In a case based entirely on circumstantial

evidence, if an instruction is allowed that the evidence must exclude every reasonable theory other than that of guilt, that is held to embody the essentials of the two-theory instruction, . . . refusal of the latter is not reversible error.”).

208 Circumstantial Evidence - Two-Theory Instruction

If you can draw two or more reasonable conclusions from the [circumstantial/indirect] evidence, and one of those reasonable conclusions points to innocence and another one to guilt, then you must accept the one that points to innocence. However, when considering [circumstantial/indirect] evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

Sources

Mississippi Model Jury Instruction - Criminal 1:17.

209 Constructive Possession - Presumption

Constructive possession does not require actual possession. Constructive possession may be established by proving that the _____ [specify item(s) constructively possessed] [was/were] subject to the defendant’s control. A person is presumed to be in constructive possession of [his/her] [automobile/house/dwelling]’s contents when [he/she] is occupying or exercising [authority/control/dominance/dominion] over the [automobile/house/dwelling].

Sources

Mississippi Model Jury Instruction - Criminal 3:22.

210 Flight by the Defendant - Evidence of Guilt

The defendant’s flight is a circumstance from which you can infer the defendant’s guilty knowledge or fear. If you find beyond a reasonable doubt from the evidence in this case that the

defendant fled from the _____ [specify the location from where the defendant allegedly fled], then the defendant's flight should be considered in connection with all the other evidence in this case. You should determine from all of the facts whether the defendant's flight was from a conscious sense of guilt or whether it was caused by other things. You should give it such weight as you think it should have in determining [name of defendant]'s guilt or innocence.

Sources

Mississippi Model Jury Instructions - Criminal 3:18 and 3:19.

Mask v. State, 996 So. 2d 106, 108-09 (Miss. Ct. App. 2008) (Finding no reversible error in the trial court granting a flight jury instruction which stated: The Court instructs the Jury that flight is a circumstance from which guilty knowledge and fear may be inferred. If you find from the evidence in this case, beyond a reasonable doubt, that the defendant did flee from the scene of the death of [victim], then the flight of [the defendant] is to be considered with all other evidence in this case. You will determine from all of the facts whether the flight was from a conscious sense of guilt or whether it was caused by other things, and give it such weight as you think it is entitled to in determining the guilt or innocence of [the defendant].).

Practice Note: The trial court should grant this instruction with caution.

211 Use of a Deadly Weapon - Malice Inferred

If you find that the defendant intentionally used a deadly weapon to either kill or cause great bodily injury on another person, then you may conclude from [his/her] act that the defendant acted with malice.

Sources

Mississippi Model Jury Instruction - Criminal 3:27.

Pennsylvania Suggested Standard Criminal Jury Instruction 15.2502C.

Gibson v. State, 895 So. 2d 185, 190 (Miss. Ct. App. 2004) (Affirming conviction in case where the trial court had granted a jury instruction which stated: The Court instructs the Jury that if death is [or wounds are] inflicted upon a person with a deadly weapon in a manner calculated to destroy life, then malice may be inferred from the use of the weapon.).

Shaw v. State, 540 So. 2d 26, 29 (Miss. 1989) (Affirming conviction in case where the trial court had granted a jury instruction which stated: The Court instructs the Jury that if death is [or wounds are] inflicted upon a person with a deadly weapon in a manner calculated to destroy life, then malice may be inferred from the use of the weapon.).

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 3 Definitions (A-L)

300 Access

Access means to program, to execute programs on, to communicate with, or to retrieve or store data on a computer, computer system, or computer network. Access also means to use computer resources.

Sources

Miss. Code Ann. § 97-45-1.

301 Accessory after the Fact

An accessory after the fact is when one person helps another person who has committed a crime, knowing that the person has committed a crime, and intending to help that person avoid arrest, trial, conviction, or punishment.

Sources

Mississippi Model Jury Instruction - Criminal 3:1.

Miss. Code Ann. § 97-1-5 (Every person who shall be convicted of having concealed, received, or relieved any felon, or having aided or assisted any felon, knowing that such person had committed a felony, with intent to enable such felon to escape or to avoid arrest, trial, conviction or punishment, after the commission of such felony, on conviction thereof shall be imprisoned in the penitentiary. . . .).

302 Accessory before the Fact

An accessory before the fact is a person who helps another person plan a crime but is not present when that crime is committed.

Sources

Mississippi Model Jury Instruction - Criminal 3:2.

Miss. Code Ann. § 97-1-3 (Every person who shall be an accessory to any felony, before the fact, shall be deemed and considered a principal, and shall be indicted and punished as such; and this whether the principal [has] been previously convicted or not.).

303 Accomplice

An accomplice is a person who intentionally and voluntarily joins with another person in committing a crime.

Sources

Mississippi Model Jury Instruction - Criminal 3:3.

304 Aider and Abettor

An aider and abettor is a person who is present when a crime is committed and who intentionally encourages or helps another person commit that crime.

Sources

Mississippi Model Jury Instruction - Criminal 3:4.

Hoops v. State, 681 So. 2d 521, 533 (Miss. 1996) (Any person who is present at the commission of a criminal offense and aids, counsels, or encourages another in the commission of that offense is an aider and abettor and is equally guilty with the principal offender.).

305 Breaking

Breaking (or broke or broke into) is any act or force, however slight, used to enter through any usual or unusual place of entry, whether open, partly open, or closed.

Sources

Mississippi Model Jury Instruction - Criminal 3:5.

Genry v. State, 767 So. 2d 302, 309 (Miss. Ct. App. 2000) (Breaking has been defined as any act or force, however, slight, employed to effect an entrance through any usual or unusual place of ingress, whether open, partly open, or closed.).

306 Business or Merchant

A business or merchant is a business or person who gives money, goods, services, or something else of value when presented with a cardholder's credit card.

Sources

Miss. Code Ann. § 95-45-31(1).

307 Cardholder

A cardholder is the person named on the credit card to whom the credit card was issued or the person who possessed the credit card with the cardholder's permission.

Sources

Miss. Code Ann. § 95-45-31(1).

308 Carnal Knowledge

Carnal knowledge is the slightest penetration of the sexual organ of the female by the sexual organ of the male. It is not necessary that the vagina be entered or that the hymen be ruptured; the entering of the vulva or labia is sufficient.

Sources

Alexander v. State, 811 So. 2d 272, 281 (Miss. Ct. App. 2001) (As pointed out by the State, the legal definition of “carnal knowledge” includes “the slightest penetration of the sexual organ of the female by the sexual organ of the male. It is not necessary that the vagina be entered or that

the hymen be ruptured; the entering of the vulva or labia is sufficient.” *Black's Law Dictionary* 213-14 (6th ed.1990)).

309 Commercial Purpose

A commercial purpose is a purpose for economic or financial gain.

Sources

Miss. Code Ann. § 97-15-30.

310 Commercial Vehicle

A commercial vehicle is a motor vehicle used in business to transport passengers or property if it (1) weighs 26,001 pounds or more; (2) carries 16 or more passengers, including the driver; or (3) carries hazardous materials.

Sources

Miss. Code Ann. § 63-1-203(f).

311 Computer

A computer is an electronic data processing device or system which performs data storage functions.

Sources

Miss. Code Ann. § 97-45-1.

312 Computer Network

A computer network is a set of connected devices with at least one (1) computer capable of transmitting data through communication facilities.

Sources

Miss. Code Ann. § 97-45-1.

313 Computer Program

A computer program is a set of data with coded instructions that when the computer performs the program, the computer processes data.

Sources

Miss. Code Ann. § 97-45-1.

314 Computer Services

Computer services are access to, service, or data from, or data processing from a computer, computer system, or computer network.

Sources

Miss. Code Ann. § 97-45-1.

315 Computer System

A computer system is a set of working-related computer equipment, devices, or computer software.

Sources

Miss. Code Ann. § 97-45-1.

316 Conspiracy

A conspiracy is when two (2) or more people agree and plan to commit a crime.

Sources

Mississippi Model Jury Instruction - Criminal 3:8.

Miss. Code Ann. § 97-1-1(1)(a) (If two or more persons conspire . . . to commit a crime. . .).

317 Corrections Employee

A corrections employee is a person who is an employee or contract employee of a

department or agency responsible for operating a jail, prison, or correctional facility, or a person who is assigned to work in a jail, prison, or correctional facility.

Sources

Miss. Code Ann. § 97-27-14(2).

318 Counterfeit Controlled Substance

A counterfeit controlled substance is a controlled substance (or drug, device, or cosmetic) that is identified by a name or a mark belonging to a manufacturer (or distributor or dispenser) which did not in fact make or manufacture that controlled substance.

Sources

Mississippi Model Jury Instruction - Criminal 3:9.

Miss. Code Ann. § 41-29-105(g) (Counterfeit substance means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.).

319 Credit Card

A credit card is a device that a business or financial institution issues with or without a fee to a person to use in getting money, goods, services, or something else of value.

Sources

Miss. Code Ann. § 95-45-31(1).

320 Culpable Negligence

Culpable negligence is negligence of a degree so great as to be equal to a complete

disregard or indifference to the safety of human life.

Sources

Mississippi Model Jury Instruction - Criminal 3:10.

Staten v. State, 989 So. 2d 938, 944 (Miss. Ct. App. 2008) (Culpable negligence is negligence of a degree so gross as to be tantamount to a wanton disregard of, or utter indifference to, the safety of human life.).

321 Curtilage

Curtilage is the area next to a person's home and includes the yard, garden, and other areas for any outbuildings.

Sources

Mississippi Model Jury Instruction - Criminal 3:11.

Jordan v. State, 728 So. 2d 1088, 1095-96 (Miss. 1998) (The curtilage of a dwelling is a space necessary and convenient, habitually used for family purposes and for the carrying on of domestic employment; it is the yard, garden or field which is near to and used in connection with the dwelling.).

322 Damage or Loss

Damage or loss is the victim's reasonable costs as a result of the crime or the interruption of service. Damage or loss also includes the cost of responding to a crime; determining how much damage occurred; restoring the data, computer program, or computer system to its original condition; and any money lost as a result of the crime.

Sources

Miss. Code Ann. § 97-45-1.

323 Deadly Weapon

A deadly weapon is an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 3:12.

Davis v. State, 530 So. 2d 694, 699 (Miss. 1988) (Approving a jury instruction which stated that a deadly weapon may be defined as any object, article or means which, when used as a weapon is, under the existing circumstances, reasonably capable or likely to produce death or serious bodily harm to a human being upon whom the object, article or means is used as a weapon).

324 Deliberate Design

Deliberate design is when a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

Sources

Mississippi Model Jury Instruction - Criminal 3:13.

Windham v. State, 520 So. 2d 123, 126 (Miss. 1987) (Deliberate always indicates full awareness of what one is doing, and generally implies careful and unhurried consideration of the consequences. Design means to calculate, plan, contemplate. . . . While it is no doubt true that a deliberate design to kill a person may be formed very quickly, and perhaps only moments before the act of consummating the intent, it is a contradiction in terms to state that a deliberate design

can be formed at the very moment of the fatal act.).

325 Deliver or Delivery

To deliver or make a delivery of a controlled substance occurs when a person actually or constructively gives or attempts to transfer a controlled substance to another person.

Sources

Mississippi Model Jury Instruction - Criminal 3:14.

Miss. Code Ann. § 41-29-105(h) (Deliver or delivery means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.).

326 Depraved Heart

Acting with a depraved heart is when a person acts in a highly dangerous way which shows that the person does not care for the safety of human life. Even if someone does not intend to kill any particular person, [he/she] can still be guilty of murder if [he/she] acts with a depraved heart, a person is killed as a result.

Sources

Miss. Code Ann. § 97-3-19(1)(b) (When done in the commission of an act eminently dangerous to others and evincing a depraved heart, regardless of human life, although without any premeditated design to effect the death of any particular individual.).

327 Device

A device is an electronic or other object that has input, output, or storage functions due to electronic, magnetic, or other [controls/manipulations].

Sources

Miss. Code Ann. § 97-45-1.

328 Driving under the Influence

Driving under the influence is driving while in a state of intoxication where a person's clarity and control are lessened.

Sources

Leuer v. City of Flowood, 744 So. 2d 266, 269 (Miss. 1999) (citation omitted) (In addition, the Third Circuit noted that courts have recognized for over half a century that driving “under the influence” is commonly understood to mean driving in a state of intoxication that lessens a person's normal ability for clarity and control.).

329 Dwelling House

A dwelling house is an apartment, building, house, or room which the owner considers to be [his/her] dwelling or in which [he/she] intends to live. Any building or structure connected to a dwelling house is considered part of the dwelling house.

Sources

Miss. Code Ann. § 97-17-31.

Sheffield v. State, 881 So. 2d 249, 254 (Miss. Ct. App. 2003) (A “dwelling” is defined as “every building joined to, immediately connected with, or being part of the dwelling house, shall be deemed the dwelling house.” In *Edwards v. State*, 800 So. 2d 454, 461 (Miss. 2001), the court held the intention of the dweller is material in determining whether a building is characterized as a dwelling under the statute. The house of a person who was confined to a nursing home is considered a dwelling if the house remains furnished and there is an intent to return.).

Washington v. State, 753 So. 2d 475, 477 (Miss. Ct. App. 1999) (The Mississippi Supreme Court

has held that “a person may simultaneously have two dwellings subject to burglary and sometimes reside with his family in one and sometimes in the other. The breach of one of them in the absence of his family would still be burglary.” The intention of the dweller is the material consideration in determining whether a building may be characterized as a dwelling for purposes of the burglary statute. A temporary absence does not destroy the character of a home as a dwelling if the dweller leaves with the intent to return.).

Course v. State, 469 So. 2d 80, 81 (Miss. 1985) (Code section 97-17-31, styled

“Burglary-dwelling house defined,” reads as follows: Every building joined to, immediately connected with, or being part of the dwelling house, shall be deemed the dwelling house. We therefore see that the Legislature in this section, passed in 1848, did not see fit to extend the term “dwelling house” beyond the normal understanding of the meaning of that term. In 13 *Am. Jur.*, Burglary section 3 (1964), we find the following: A dwelling house has been variously defined as the apartment, room in a hotel, building or cluster of buildings in which a man with his family resides, or any permanent building in which a man may dwell and lie.).

330 Educational Property

Educational property is a public or private school building, bus, campus, grounds, recreational area, athletic field, or other property owned by a local school board, school, college, or university.

Sources

Mississippi Model Jury Instruction - Criminal 3:16.

Miss. Code Ann. § 97-37-17(1)(a).

331 Electronic Communication

An electronic communication is any data, images, signs, or writings transferred or transmitted in whole or in part by a computer, electronic, photo-optic, radio, or wire system.

Sources

Miss. Code Ann. § 97-45-1.

332 Electronic Mail or Email

An electronic mail or email is a communication or information that is transmitted by the Internet, a computer, cellular telephone, fax machine, video recorder, or other electronic means and is sent to a person with a unique address or address number and received by that person.

Sources

Miss. Code Ann. § 97-45-1.

333 Entering

Entering (or entered) is the act of making a person's way into _____
[specify type of building or vehicle entered].

Sources

Mississippi Model Jury Instruction - Criminal 3:17.

Turner v. State, 721 So. 2d 642, 649 (Miss. 1998) (Finding no error in a jury instruction which stated: The word "entering" as used in the burglary instruction means the act of making one's way into an automobile. The least entry with any part of the body or with any instrument is sufficient to constitute an entering.).

334 Enterprise

An enterprise is an individual, sole proprietorship, partnership, corporation, union, other organization, association, or group of individuals, who are associated with one another.

An enterprise includes legal as well as illegal organizations.

Sources

Miss. Code Ann. § 97-43-5.

335 Giving Criminal Assistance

Giving criminal assistance is when a person [intentionally/knowingly] has:

(1) Disguised or hidden [name of person]; or

(2) Warned [name of person] that [he/she] was about to be caught or discovered; or

(3) [Gave/Helped get] [name of person] _____ [specify money, vehicle, weapon, disguise, or other means to avoid being caught or discovered]; or

(4) Prevented [name of person who was pursuing the individual] from _____

[specify the act which was prevented that might have caught, discovered, or convicted the individual]; or

(5) [Altered/Hid/Destroyed] evidence that might have helped catch, discover, or convict [name of person].

Sources

Miss. Code Ann. § 97-9-103.

336 Harmful Biological Device

A harmful biological device is a device designed or intended to release a harmful biological substance.

Sources

Miss. Code Ann. § 97-27-12.

337 Harmful Biological Substance

A harmful biological substance is a bacteria, virus, or other microorganism, or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.

Sources

Miss. Code Ann. § 97-27-12.

338 Harmful Chemical Device

A harmful chemical device is a device that is designed or intended to release a harmful chemical substance.

Sources

Miss. Code Ann. § 97-27-12.

339 Harmful Chemical Substance

A harmful chemical substance is a solid, liquid, or gas that through its chemical or physical properties, along or in combination with one or more other chemical substances, can be used to cause death, injury, or disease in humans, animals, or plants.

Sources

Miss. Code Ann. § 97-27-12.

340 Harmful Radioactive Device

A harmful radioactive device is a device that is designed or intended to release a harmful radioactive material.

Sources

Miss. Code Ann. § 97-27-12.

341 Harmful Radioactive Material

A harmful radioactive material is material that is radioactive and that can be used to cause death, injury, or disease in humans, animals, or growing plants by its radioactivity.

Sources

Miss. Code Ann. § 97-27-12.

342 Heat of Passion

Heat of passion is when a person acts in a state of violent and uncontrollable rage. The person must have been provoked into acting in such a manner by some act(s) or word(s) which would reasonably lead to an angry, hateful, resentful, or terrified emotional state of mind. If a person kills in the heat of passion, the homicide is manslaughter and not murder.

Sources

Givens v. State, 967 So. 2d 1, 11 (Miss. 2007) (citations omitted) (Heat of passion is defined as a state of violent and uncontrollable rage engendered by a blow or certain other provocation given, which will reduce a homicide from the grade of murder to that of manslaughter. Passion or anger suddenly aroused at the time by some immediate and reasonable provocation, by words or acts of one at the time. The term includes an emotional state of mind characterized by anger, rage, hatred, furious resentment or terror.).

343 Heinous, Atrocious, or Cruel

Heinous means extremely wicked or shockingly evil. Atrocious means outrageously wicked and vile. Cruel means designed to inflict a high degree of pain with indifference to, or even enjoyment of, the suffering of others.

Sources

Edwards v. State, 737 So. 2d 275, 315 (Miss. 1999).

344 Home Repair

Home repair is fixing, replacing, altering, converting, modernizing, or improving real property primarily used as a residence, or building or making an addition to real property primarily used as a residence.

Sources

Miss. Code Ann. § 97-23-103(1)(a).

345 Homicide

Homicide is when a person kills another person. [Manslaughter/Murder/Capital murder] is a type of homicide.

Sources

Judicial Council of California Criminal Jury Instruction 500.

346 Insolvent

Insolvent means that the bank did not have enough cash to pay its debts.

Sources

Black's Law Dictionary (9th ed. 2009) (Insolvent means having liabilities that exceed the value of assets; having stopped paying debts in the ordinary course of business or being unable to pay them as they fall due.).

See Miss. Code Ann. § 81-9-5.

347 Intellectual Property

Intellectual property is data, computer programs, computer software, copyrighted materials, trade secrets, and confidential or business-related information, which is stored in, produced by, or designed to store or be used on a computer, computer system, or computer

network.

Sources

Miss. Code Ann. § 97-45-1.

348 Internet

Internet means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

Sources

Miss. Code Ann. § 97-45-1.

47 U.S.C. § 230 (Definition of Internet).

349 Issuer

An issuer is a business or financial institution which issues a credit card.

Sources

Miss. Code Ann. § 95-45-31(1).

350 Labor Dispute

A labor dispute is when there is a disagreement between an employer and two or more of [his/her/its] employees over the terms or conditions of employment or concerning the association, or a personal representative who was [negotiating/maintaining/changing/arranging] terms or conditions of employment.

Sources

Miss. Code Ann. § 97-23-41.

351 Livestock

Livestock includes horses, cattle, swine, sheep, and other domestic animals produced for

profit.

Sources

Miss. Code Ann. § 97-41-15(1).

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 4 Definitions (M-Z)

400 Manufacture

To manufacture a controlled substance is to produce or prepare a controlled substance by taking a substance from its natural form, by causing a chemical reaction, or by a combination of these methods. To manufacture a controlled substance also means the packaging and labeling of the controlled substance's container.

Sources

Mississippi Model Jury Instruction - Criminal 3:20.

Miss. Code Ann. § 41-29-105(q) (Manufacture means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term "manufacture" does not include the preparation, compounding, packaging or labeling of a controlled substance in conformity with applicable state and local law: (1) By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or (2) By a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.).

401 Manufacturer

A manufacturer is an individual, partnership, corporation, or association which, after having acquired the right to transfer sounds or images from the owner, actually transferred or

caused the transfer of such sounds or images to be recorded onto a phonograph record, disc, wire, tape, videocassette, film, or other article on which sounds or images are recorded; or assembled and transferred a product containing such transferred sounds or images.

Sources

Miss. Code Ann. § 97-23-89(2).

402 Medical Records

Medical records include medical and mental health histories, reports, summaries, diagnoses, treatment, medication information, notes, X-rays, and other imaging records.

Sources

Miss. Code Ann. § 97-45-1.

403 Mentally Defective Person

A mentally defective person is a person who suffers from a mental disease, defect, or condition which makes that person temporarily or permanently unable of understanding [his/her] conduct.

Sources

Miss. Code Ann. § 97-3-97(b) (A “mentally defective person” is one who suffers from a mental disease, defect or condition which renders that person temporarily or permanently incapable of knowing the nature and quality of his/her conduct.).

404 Mentally Incapacitated Person

A mentally incapacitated person is a person who is unable to know or control [his/her] conduct, or is unable to resist an act due to the effects of a drug, narcotic, anesthetic, or other substance given to that person without [his/her] consent.

Sources

Miss. Code Ann. § 97-3- 97(c) (A “mentally incapacitated person” is one rendered incapable of knowing or controlling his or her conduct, or incapable of resisting an act due to the influence of any drug, narcotic, anesthetic, or other substance administered to that person without his or her consent.).

405 Metal Property

Metal property includes materials such as railroad track materials; copper materials; aluminum materials; electrical, communications, or utility brass; stainless steel sinks; catalytic converters not attached to a motor vehicle; and metal beer kegs.

Sources

Miss. Code Ann. § 97-17-71(1).

406 Negligence (or Negligently)

Negligence (or negligently) is doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances. [If the defendant violated a state or municipal law, then the jury may find that [he/she] was negligent.]

Sources

Proposed Mississippi Plain Language Model Jury Instruction - Civil 2500.

407 Obtain (Obtain/Get)

Obtain means to bring about a transfer or supposed transfer of a legal interest in property; physical possession of property; a reward or favor; or an advantage of some kind in [labor/work] or service.

Sources

Miss. Code Ann. § 97-3-82.

408 Offender (Correctional System)

An offender is a person who has been convicted of a crime or offense under the laws and ordinances of the state and its political subdivisions.

Sources

Miss. Code Ann. § 47-5-4.

409 Offender (Crimes Affecting Public Health)

An offender is a person who is in the custody of the Mississippi Department of Corrections.

Sources

Miss. Code Ann. § 97-27-14(2).

410 Pattern of Racketeering Activity

A pattern of racketeering activity means committing at least two (2) acts of racketeering conduct that have the same or similar characteristics or are related to one another. The last racketeering activity must have occurred within five (5) years after a previous racketeering activity.

Sources

Miss. Code Ann. § 97-43-5.

411 Peace Officer

A peace officer is any state or federal law enforcement officer, including, but not limited to, a federal park ranger; the sheriff of or police officer of a city or town; a conservation officer; a

parole officer; judge; senior status judge; special judge; district attorney; legal assistant to a district attorney; county prosecuting attorney; any other court official; an agent of the Alcoholic Beverage Control Division of the State Tax Commission; an agent of the Bureau of Narcotics; personnel of the Mississippi Highway Patrol; employees of the Department of Corrections who are designated as peace officers by the Commissioner of Corrections pursuant to Section 47-5-54; the superintendent, deputies, guards, officers, and other employees of the Mississippi State Penitentiary.

Sources

Mississippi Model Jury Instruction - Criminal 3:21.

Miss. Code Ann. § 97-3-19.

412 Perjury

Perjury is when a person intentionally makes a false statement under oath about a [material/important] matter knowing that the statement is false.

Sources

Mississippi Model Jury Instruction - Criminal 10:6.

Miss. Code Ann. § 97-9-59.

413 Personal Identity Information

Personal identity information is a person's social security number; driver's license number; state identification card number; employment information; financial information; checking or savings account information; or stock certificate or account information.

Sources

Miss. Code Ann. § 97-45-1.

414 Physically Helpless Person

A physically helpless person is a person who is unconscious or unable to communicate that [he/she] is not willing to engage in an act.

Sources

Miss. Code Ann. § 97-3-97(d) (A “physically helpless person” is one who is unconscious or one who for any other reason is physically incapable of communicating an unwillingness to engage in an act.).

415 Post a Message

Post a message means sending, publishing, communicating, or attempting to send, publish, or communicate truthful or untruthful information about a victim.

Sources

Miss. Code Ann. § 97-45-1.

416 Precursor Drug or Chemical

A precursor drug or chemical is a drug or chemical that, in addition to legal uses, may be used illegally in manufacturing a controlled substance.

Sources

Mississippi Model Jury Instruction - Criminal 3:23.

Miss. Code Ann. § 41-29-313(1)(b) (A precursor drug or chemical is a drug or chemical that, in addition to legitimate uses, may be used in manufacturing a controlled substance.).

417 Prisoner

A prisoner is a person confined in a county or city jail.

Sources

Miss. Code Ann. § 97-27-14(2).

418 Production

Production of a controlled substance is manufacturing, planting, cultivating, growing, or harvesting a controlled substance.

Sources

Mississippi Model Jury Instruction - Criminal 3:24.

Miss. Code Ann. § 41-29-105(z) (Production includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.).

419 Property (Computer Crimes)

Property is any personal or real property, specifically including financial instruments, electronic data, and computer programs.

Sources

Miss. Code Ann. § 97-45-1.

420 Property (Crimes Against the Person)

Property is something of value, including real estate; personal property; contract rights; the reputation of a person; other interests in or claims to wealth; admission or transportation tickets; captured or domestic animals; food and drink; electric or other power.

Sources

Miss. Code Ann. § 97-3-82.

421 Public Authority

Public authority is a state or political subdivision of the State of Mississippi.

Sources

Miss. Code Ann. § 97-44-3.

422 Public Official

A public official is any person elected or appointed to any office, position, or employment where that person is paid a fee or salary by the State of Mississippi or any political subdivision, or any agency or a subdivision of the United States government.

Sources

Miss. Code Ann. § 97-3-82.

423 Public Service Animal

A public service animal is an animal trained and used to assist a law enforcement, public safety, or search and rescue agency.

Sources

Miss. Code Ann. § 97-41-23.

424 Published

Published is communicating information to a person, either verbally, in person, or by telephone, radio or television, or electronic means, including use of a bulletin board system, a writing, a letter, a memorandum, a circular, a handbill, a newspaper, a magazine article, or a book.

Sources

Miss. Code Ann. § 97-25-54.

425 Purchaser

A purchaser is a person who gives [money/consideration/financial benefit] in exchange for metal property.

Sources

Miss. Code Ann. § 97-17-71(1).

426 Racketeering Activity

Racketeering activity means committing, attempting to commit, agreeing to commit, or asking or intimidating another person to commit (1) fraud; (2) a violation of the Mississippi Securities Act; (3) unlawful possession, use, and transportation of explosives; (4) murder; (5) aggravated assault; (6) kidnapping; (7) robbery; (8) burglary; (9) arson; (10) prostitution; (11) exploitation of children; (12) a violation of the Uniform Controlled Substances Law, which is punishable by more than one (1) year in prison; (13) forgery and counterfeiting; (14) an offense affecting the administration of justice; or (15) offenses relating to gambling and lotteries.

Sources

Miss. Code Ann. § 97-43-5.

427 Railroad Passenger Ticket

A railroad passenger ticket is a ticket, card, pass, certificate, or paper, providing or intending to provide for the transportation of a person upon a railroad.

Sources

Miss. Code Ann. § 97-21-39.

428 Recklessly or With Gross Negligence

Recklessly or with gross negligence is when a person had a brush or debris pile or other material which was being burned, and [he/she] did not act with reasonable care to make sure that the fire would not spread onto another person's property.

Sources

Mississippi Model Jury Instruction - Criminal 12:8.

Miss. Code Ann. § 97-17-13(2).

429 Re-Encoder

A re-encoder is an electronic device that puts information that is encoded on one credit card's magnetic strip onto another credit card's magnetic strip.

Sources

Miss. Code Ann. § 95-45-31(1).

430 Sale, Sell, or Selling

Sale, sell, or selling is when a person actually or constructively gives or attempts to give a controlled substance to another person in exchange for money or another benefit.

Sources

Mississippi Model Jury Instruction - Criminal 3:25.

Miss. Code Ann. § 41-29-105(aa) (Sale, sell or selling means the actual, constructive or attempted transfer or delivery of a controlled substance for remuneration, whether in money or other consideration.).

431 Scanning Device

A scanning device is a scanner, reader, or other device that accesses, reads, scans, gets, or stores information that is encoded on the magnetic strip of a credit card.

Sources

Miss. Code Ann. § 95-45-31(1).

432 Scrap Metal Dealer

A scrap metal dealer is a person who is in the business of paying money or other

compensation for metal property that has served its original economic purpose.

Sources

Miss. Code Ann. § 97-17-71(1).

433 Serious Bodily Injury (Offenses Affecting Children)

Serious bodily injury means that the injury causes a substantial risk of death or disfigurement or harms a child's organ(s) or how the organ(s) function.

Sources

Buffington v. State, 824 So. 2d 576, 580 (Miss. 2002) (Today this Court holds that serious bodily harm means “bodily injury which creates a substantial risk of death, or permanent or temporary disfigurement, or impairment of any function of any bodily organ or function. . .”).

434 Sexual Conduct

Sexual conduct includes real or pretend (1) sexual intercourse, including genital to genital, oral to genital, anal to genital, or oral to anal intercourse, between people of the same or opposite sex; (2) bestiality; (3) masturbation; (4) sadistic or masochistic abuse; (5) sexually showing the genitals or pubic area of a person; or (6) sexually touching the genitals, pubic area, buttocks, anus, or breast.

Sources

Miss. Code Ann. § 97-5-31(b) (Sexually explicit conduct means actual or simulated: (i) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (ii) Bestiality; (iii) Masturbation; (iv) Sadistic or masochistic abuse; (v) Lascivious exhibition of the genitals or pubic area of any person; or (vi) Fondling or other erotic touching of the genitals, pubic area, buttocks, anus or breast.).

435 Sexual Intercourse

Sexual intercourse is any penetration of the vagina or genitalia by the defendant's penis or any penetration of the genitalia, anus, or perineum by the defendant's penis or an object.

Sources

Mississippi Model Jury Instruction - Criminal 3:26.

Miss. Code Ann. § 97-3-65(6) (Sexual intercourse shall mean a joining of the sexual organs of a male and female human being in which the penis of the male is inserted into the vagina of the female or the penetration of the sexual organs of a male or female human being in which the penis or an object is inserted into the genitals, anus or perineum of a male or female.).

Judicial Council of California Criminal Jury Instructions 1000 and 1030.

436 Sexual Penetration

Sexual penetration is any touching or penetrating of a person's anal, genital, or oral openings by the defendant or by the defendant inserting an object into a person's anal, genital, or oral openings.

Sources

Miss. Code Ann. § 97-3-97(a) ("Sexual penetration" includes cunnilingus, fellatio, buggery or pederasty, any penetration of the genital or anal openings of another person's body by any part of a person's body, and insertion of any object into the genital or anal openings of another person's body.).

437 Strangle

Strangle means to restrict the flow of oxygen or blood by intentionally applying pressure on the neck or throat of another person by any means or to intentionally block the nose or mouth

of another person.

Sources

Miss. Code Ann. § 97-3-7(4).

438 Streetgang

Streetgang, gang, or criminal streetgang means a group of three (3) or more people, with an established order, who agree to and commit criminal activity.

Sources

Miss. Code Ann. § 97-44-3.

439 Streetgang Member

Streetgang member or gang member means a person who is in fact a member of a streetgang and who intentionally participates in streetgang-related criminal activity.

Sources

Miss. Code Ann. § 97-44-3.

440 Streetgang Related

Streetgang related or gang related activity means any criminal activity designed to (1) increase a streetgang's membership or control in a geographical area; (2) get revenge for the streetgang or for a streetgang member; (3) provide the streetgang with an advantage or control over a criminal market for controlled substances, the sale of stolen property or stolen credit cards, prostitution, arson, robbery, armed robbery, burglary, or larceny; (4) obstruct justice or intimidate or kill a witness against a streetgang or streetgang member; or (5) cause a benefit, gain, or profit for the streetgang or its membership.

Sources

Miss. Code Ann. § 97-44-3.

441 Suborning Perjury

Suborning perjury is when a person intentionally encourages another person to make [a/an] [material/important] false statement under oath knowing that the statement is false.

Sources

Mississippi Model Jury Instruction - Criminal 10:7.

Miss. Code Ann. § 97-9-63.

442 Telecommunication and Electronic Communication

A telecommunication or electronic communication is a type of telephonic, electronic or radio communication, or transmitting signs, signals, data, writings, images, and sounds, or intelligence of any nature, by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photo-electronic, or photo-optical system, or creating, displaying, managing, storing, processing, transmitting, or distributing images, text, voice, video, or data by wire, cable, or wireless means, including the Internet.

Sources

Mississippi Model Jury Instruction - Criminal 12:5.

Miss. Code Ann. § 97-29-45.

443 Telecommunications Device

A telecommunications device is a type of device or equipment which transmits or receives telephonic, electronic, or radio communications.

Sources

Miss. Code Ann. § 97-25-54.

444 Telecommunications Service

Telecommunications service is any service which charges a fee to send or receive sounds, images, or data by a telephone, cell phone, or other telecommunications device.

Sources

Miss. Code Ann. § 97-25-54.

445 Telecommunications Service Provider

A telecommunications service provider is any business which charges a fee to send, display, distribute, or store data, images, text, video, or voice sounds by wire or wireless means.

Sources

Miss. Code Ann. § 97-25-54.

446 Unlawful Debt

An unlawful debt means money or something of value that is principal or interest of an illegal debt that is unenforceable because it was a result of illegal gambling, or because it came from lending money at an illegal rate, which is at least twice the legal lending rate.

Sources

Miss. Code Ann. § 97-43-5.

447 Use

Use means to communicate with, store data in, or retrieve data from a computer or use a computer in another way.

Sources

Miss. Code Ann. § 97-45-1.

448 Victim

Victim is the person who the defendant targeted with a posted message or a member of [his/her] family.

Sources

Miss. Code Ann. § 97-45-1.

449 Vulnerable Person

A vulnerable person is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 3:28.

Miss. Code Ann. § 43-47-5(n) (Vulnerable adult means a person, whether a minor or adult, whose ability to perform the normal activities of daily living or to provide for his or her own care or protection from abuse, neglect, exploitation or improper sexual contact is impaired due to a mental, emotional, physical or developmental disability or dysfunction, or brain damage or the infirmities of aging.).

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 5 Defenses

500 Alibi

Alibi means not being at the scene of a crime. It is a legal defense. The defendant asserts that [he/she] was somewhere else when the crime was committed. However, the defendant does not have to prove that [he/she] was somewhere else at the time the crime was committed. The State must prove that the defendant was present and committed the crime of _____ [specify crime charged].

If you have a reasonable doubt about whether the defendant was present when the crime was committed, then you must find [him/her] not guilty of _____ [specify crime charged].

Sources

Mississippi Model Jury Instruction - Criminal 2:1.

Judicial Council of California Criminal Jury Instruction 3400.

501 Attempt - Abandonment of Intent to Commit Crime

It is a legal defense to the crime of _____ [specify crime charged] that the defendant freely and voluntarily abandoned [his/her] intent to commit that crime, and then [he/she] did not do any act to commit that crime.

If you find beyond a reasonable doubt from the evidence in this case that [name of defendant] freely and voluntarily abandoned [his/her] intent to commit the crime of _____ [specify crime charged], that [he/she] did not do any act to commit the crime of _____ [specify crime charged], and that [his/her] abandonment was not caused by another person or force, then you shall find [name of defendant] not guilty.

Sources

Mississippi Model Jury Instruction - Criminal 2:2.

Hester v. State, 602 So. 2d 869, 872 (Miss. 1992) (Instruction D-8 reads as follows: The Court instructs the jury that the abandonment of a criminal enterprise prior to the completion of the crime may, under certain circumstances, be a valid defense to a criminal charge. If a person becomes engaged in a criminal enterprise or conspiracy and, before completion of that conspiracy or enterprise, that person completely renounces and abandons the criminal enterprise or conspiracy voluntarily and of his own free will without intervention from legal authorities or for any other reason, then that person shall not be held criminally liable for any actions committed thereafter by his co-conspirators. If you believe that Daniel Hester did, on September 10, 1988, unlawfully, wilfully, and feloniously embark upon a criminal enterprise or conspiracy with another person or persons, that enterprise being the commission of an armed robbery, and if you believe that Daniel Hester renounced and abandoned that criminal enterprise prior to the killing of Frederick Jones, and if you believe that Daniel Hester abandoned that criminal enterprise voluntarily and of his own free will without the intervention of any legal authority or for any other reason, then you may not find Daniel Hester guilty of capital murder. Furthermore, if you believe that after the abandonment of the criminal enterprise as described above, that Daniel Hester by culpable negligence acted in such a way as to cause or procure the death of Frederick Jones, then you may find Daniel Hester guilty of manslaughter.).

Pruitt v. State, 528 So. 2d 828, 832 (Miss. 1988) (Anderson, J., dissenting) (Instruction D-6: If you find from the evidence, beyond a reasonable doubt, that John R. Pruitt freely and voluntarily abandoned his intent to commit the crime of attempted rape before he performed any overt act

toward commission of that crime, and if you further believe that there was not an outside cause prompting his abandonment, then you shall find defendant not guilty.).

502 Duress

The defendant has presented evidence that [he/she] acted under duress while committing the crime charged. Duress is a legal defense.

Duress is when a person is under unlawful force or pressure to commit an act that the person ordinarily would not have done in order to avoid an immediate danger. The immediate danger must exist at that time or be fast-approaching. It must be of such a nature as to force that person into believing that great bodily harm or death will occur if [he/she] does not commit the criminal act. A person cannot claim duress if [he/she] had a reasonable opportunity to avoid committing the criminal act and not be exposed to great bodily harm to [his/her] body or death.

The defendant is not guilty of _____ [specify crime charged] if [he/she] acted under duress. The State must prove beyond a reasonable doubt that the defendant did not act under duress. If the State did not prove beyond a reasonable doubt that the defendant did not act under duress, then you shall find the defendant not guilty of _____ [specify crime charged].

Sources

Mississippi Model Jury Instruction - Criminal 2:4.

Davis v. State, 18 So. 3d 842, 848 n.6 (Miss. 2009) (Jury Instruction Number D-9 stated:

Evidence has been presented that the defendant acted under duress in committing the crime.

“Duress” is the exercise of unlawful force upon a person whereby that person is compelled to do some act that he otherwise would not have done. In order for duress to be a defense to a criminal

charge, the impelling danger must be present, imminent, and impending, and of such nature as to induce in that person a well-grounded apprehension of death or seriously bodily harm if the act is not done. A person having a reasonable opportunity to avoid committing the crime without undue exposure to death or serious bodily harm cannot invoke duress as a defense. If the State has failed to prove from the evidence in this case beyond a reasonable doubt that the defendant acted voluntarily in committing the crime and not under duress, then you shall find the defendant not guilty.).

See Sanders v. State, 942 So. 2d 156, 161 (Miss. 2006) ([L]ongstanding Mississippi law holds that duress is not a legal defense to murder.).

Committee Note: The criminal subcommittee used an “or” in the phrase “danger must exist at that time or be fast-approaching” instead of “danger must exist at that time and be fast-approaching.”

503 Entrapment

The defendant in this case has asserted the affirmative defense of entrapment. The defendant has the burden of proving this defense by clear and convincing evidence. This is a lesser standard than proof beyond a reasonable doubt.

The defendant must establish by clear and convincing evidence that:

1. The law enforcement officer(s) came up with the idea of committing the crime and not the defendant;
2. The law enforcement officer(s) encouraged the defendant to commit the crime; and
3. The defendant was not inclined to commit the crime until the law enforcement officer(s) [induced/encouraged] the defendant to commit the crime.

If the defendant has proved by clear and convincing evidence the above listed facts, then you must find the defendant not guilty of _____ [specify crime charged].

Sources

Mississippi Model Jury Instruction - Criminal 2:5.

Miss. Code Ann. § 99-1-25.

See Proposed Model Jury Instruction - Civil 308 Clear and Convincing Evidence.

504 Impossibility

The defense of impossibility is only available if it is actually impossible for the crime to have been committed by the defendant. It is not a defense if the reason that it is impossible to commit the crime is because of another person's actions or some other force, such as _____.

Sources

Mississippi Model Jury Instruction - Criminal 2:3.

Practice Note: The trial court may need to explain what some other force may be, such as a dog biting or an alarm sounding.

505 Insanity

There is a presumption in the law that the defendant is sane. The burden is on the defendant to introduce evidence that creates a reasonable doubt as to [his/her] sanity at the time of the crime. However, once the defendant has created a reasonable doubt as to the defendant's sanity, the State has the burden to present sufficient evidence to prove beyond a reasonable doubt that the defendant was sane.

To create a reasonable doubt as to the defendant's sanity at the time of the crime, the

defendant must present evidence which shows that the defendant was suffering from such a mental defect as (1) not to know the nature of [his/her] act or (2) did not know that [his/her] act was wrong.

In order to prove that the defendant was sane at the time [he/she] committed the act of _____ [specify crime charged], the State must prove beyond a reasonable doubt that the defendant knew the nature of [his/her] act and knew that it was wrong. If after considering all of the evidence in this case, you find that the State did not prove beyond a reasonable doubt that the defendant was sane at the time [he/she] committed the act of _____ [specify crime charged], then you shall find the defendant not guilty of _____ [specify crime charged] by reason of insanity.

Sources

Mississippi Model Jury Instruction - Criminal 2:6.

Hearn v. State, 3 So. 3d 722, 738 (Miss. 2008) (citations omitted) (Mississippi follows the *M'Naghten* test for determining whether a person was sane at the time of the crime. Under the *M'Naghten* test, the accused must be laboring under such defect of reason from disease of the mind as (1) not to know the nature and quality of the act he was doing or (2) if he did know it, that he did not know that what he was doing was wrong. In sum, the accused must not have known right from wrong at the time of the offense).

See Avera v. State, 761 So. 2d 900, 903 (Miss. Ct. App. 2000) (Discussing jury instruction on the defendant creating a reasonable doubt about sanity and then the State bearing the burden to prove the defendant's sanity beyond a reasonable doubt).

506 Insanity - Verdict Form

Your verdict should be written on a separate sheet of paper. It does not have to be signed by you. The verdict should be in one of the following forms:

If you find the defendant guilty:

“We, the jury, find the defendant guilty of _____ [specify crime charged].”

If you find the defendant not guilty:

“We, the jury, find the defendant not guilty.”

If you find the defendant not guilty by reason of insanity:

“We, the jury, find the defendant not guilty by reason of insanity, and we find that the defendant has since been restored to [his/her] reason.”

OR

“We, the jury, find the defendant not guilty by reason of insanity, and we find that the defendant has not been restored to [his/her] reason and is dangerous to the community.”

Sources

Mississippi Model Jury Instruction - Criminal 2:7.

507 Justifiable Homicide - “Castle Doctrine”

[Name of defendant]’s act of killing [name of victim] is justifiable if [name of defendant] killed [name of victim] while resisting [name of victim]’s attempt to unlawfully kill [name of defendant] or to commit a serious crime against [name of defendant] and while [name of defendant] was in _____ [specify dwelling, occupied vehicle, business, place of employment, or the immediate area of a dwelling, occupied vehicle, business, or place of

employment].

[Name of defendant] is presumed to have reasonably feared death, great bodily harm, or a serious crime being committed against [him/her] if [name of victim]

_____ [specify (1) was unlawfully and forcibly entering; (2) had unlawfully and forcibly entered; or (3) was removing or had unlawfully removed [name of defendant] from] _____ [specify dwelling, occupied vehicle, business, place of employment, or the immediate area of a dwelling, occupied vehicle, business, or place of employment]. This presumption does not apply if [name of victim] had a right to be in the _____ [specify dwelling, occupied vehicle, business, place of employment, or the immediate area of a dwelling, occupied vehicle, business, or place of employment] or if [name of defendant] was committing a criminal act.

If you find from the evidence in this case that [name of defendant]'s act of killing [name of victim] was committed while resisting [name of victim]'s attempt to unlawfully kill [name of defendant] or commit a felony against [name of defendant] and while [name of defendant] was in the _____ [specify dwelling, occupied vehicle, business, place of employment or the immediate area of a dwelling, occupied vehicle, business, or place of employment], then you shall find [name of defendant] not guilty of _____ [specify crime charged].

Sources

Miss. Code Ann. § 97-3-15(3).

Newell v. State, 49 So. 3d 66, 76-78 (Miss. 2010) (Now we must decide whether instruction D-22 defines the new statutory presumption in Section 97-3-15(3). Instruction D-22 states that: The Court instructs you that the killing of another human being shall be justifiable when committed

by any person in resisting any attempt unlawfully to kill such person or to commit any felony upon him, or in any occupied vehicle in which such person shall be. A person who uses defensive force shall be presumed to have reasonably feared imminent death or great bodily harm, or the commission of a felony upon him or another or against a vehicle which he was occupying if the person against whom the defensive force was used, was in the process of unlawfully and forcibly entering or had unlawfully and forcibly entered, an occupied vehicle, or if that person had unlawfully removed or was attempting to unlawfully remove another against the other person's will from that occupied vehicle and the person who used defensive force knew or had reason to believe that the forcible entry or unlawful and forcible act was occurring or had occurred. The first paragraph of this instruction closely follows the language of the justifiable-homicide statute. But it removes any references to dwellings, businesses, places of employment, and the immediate premises thereof. It thus defines justifiable homicide as it relates specifically to an occupied vehicle only. And the second paragraph of the instruction tracks the language of the "Castle Doctrine's" new presumption in Section 97-3-15(3), but again refers only to an occupied vehicle, to match the facts of the case. While not artfully drawn or properly organized, instruction D-22 states the law regarding the statutory presumption as it applied to the facts of this case. And instruction D-22 is the only instruction proposed by either side that outlines the presumption in Section 97-3-15(3)).

508 Mistake of Fact

The defendant has presented evidence that [he/she] was ignorant or made a mistake of fact. Ignorance or a mistake of fact is a legal defense to a crime provided that:

1. The defendant honestly believed the mistake of fact;

2. The defendant's conduct would have been lawful and proper if the facts had been as [he/she] believed them to be; and

3. The defendant's mistaken belief was not based on [his/her] own negligence or fault.

If the State did not prove beyond a reasonable doubt from the evidence in this case that the defendant acted knowing the true facts or that the defendant was responsible for making the mistake of fact, then you shall find the defendant not guilty of _____ [specify crime charged].

Definition(s) in this Instruction:

In this instruction, "negligence" means doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Mississippi Model Jury Instruction - Criminal 2:9.

509 Self-Defense

In order for the defendant to have acted in self-defense, the defendant must _____
_____ [specify (1) have believed that [he/she] was in actual danger; (2) have reasonably believed that [name of victim] intended to kill the defendant; or (3) have reasonably believed that [name of victim] intended to cause great bodily harm to the defendant] and that the defendant reasonably believed that [name of victim] was about to carry out [his/her] actions against the defendant. The defendant does not have to prove that [he/she] acted in self-defense. The State has the burden of proving beyond a reasonable doubt that the

defendant did not act in self-defense. If you find that the State did not prove beyond a reasonable doubt that the defendant did not act in self-defense, then you shall find the defendant not guilty of _____ [specify crime charged].

Sources

Mississippi Model Jury Instruction - Criminal 2:13.

510 Self-Defense - Imperfect Self-Defense

If the defendant killed another person with an actual, genuine belief that the killing was necessary in order to protect [himself/herself] from great bodily harm or death, even though that belief was not reasonable under the circumstances, then the defendant did not have the mental requirement to commit murder. However, the killing may be manslaughter.

If you find from the evidence in this case that:

1. On or about [date of alleged crime] in _____ County;
2. [Name of defendant] _____ [describe defendant's alleged actions] [name of victim] acting with an actual, genuine belief that the killing was necessary in order to protect [himself/herself] from great bodily harm or death; but
3. That belief was not reasonable under the circumstances, then you may find [name of defendant] guilty of the lesser-included offense of _____ [specify lesser included offense].

Sources

Chandler v. State, 946 So. 2d 355, 362-63 (Miss. 2006) (Jury instruction S-4 was an imperfect self-defense manslaughter instruction given to the jury. This instruction adequately informed the jury of the lesser included offense of manslaughter. Jury instruction S-4 provided: The Court

instructs the Jury that if you unanimously find that the State has failed to prove all the elements of the crime of Murder, you may then proceed in your deliberations to consider the lesser charge of Manslaughter. However, it is your duty to accept the law given to you by the Court; and if the facts and the law warrant a conviction of the crime of Murder, then it is your duty to make such finding, and not be influenced by your power to find a lesser offense. This provision is not designed to relieve you from the performance of an unpleasant duty. It is included to prevent a failure of justice if the evidence fails to prove the original charge but does justify a verdict for the lesser crime. The Court instructs the Jury that if a person kills another under the actual bona fide belief that such a killing is necessary in order to protect himself from great bodily harm or death, but that such belief is not reasonable under the circumstances, then there is no malice aforethought and the killing is not murder, but at most is the crime of manslaughter. Therefore, if you find from the evidence in this case that on August 17, 2003, the Defendant did shoot and take the life of [victim] acting on his actual and bona fide belief that such was necessary to protect himself from great bodily harm or death at the hands of [victim], but that such belief by the Defendant was not a reasonable belief under the circumstance, then you may find the Defendant guilty of the lesser included offense of manslaughter.).

511 Self-Defense - No Duty to Retreat

While the danger that justifies one person taking another person's life must be immediate, pending, and present, such danger does not need to be unavoidable except by killing in self-defense. The defendant is not required to flee from the danger to [his/her] body or life.

If the defendant was in a place where [he/she] had a right to be and the defendant was not the initial aggressor or provoker, then the defendant has no duty to flee or retreat and does not

lose [his/her] right to self-defense.

Sources

Sanders v. State, 77 So. 3d 497, 502-03 (Miss. Ct. App. 2011), *aff'd*, 77 So. 3d 484 (Miss. 2012)

(Jury instruction D–9 states the following: The court instructs the Jury that while the danger which will justify the taking of another's life must be imminent, impending and present, such danger need not be unavoidable except by killing in self-defense. The Defendant, Edna Mae Sanders, need not have avoided the danger to her person presented by the victim by flight. So long as the Defendant was in a place where she had the right to be and was neither the immediate provoker nor aggressor, she may stand her ground without losing the right of self-defense.

Sanders asserts that the trial court, by declining to include this instruction, committed manifest error because failure to inform the jury of this pertinent law undermined her claim of self-defense. . . . Without being informed of the rights Sanders possessed under the Castle Doctrine, either through jury instruction D–9 or another informative instruction, the jury was improperly allowed to consider Sanders's failure to retreat as evidence that her use of force was unnecessary, excessive, or unreasonable. We find that the trial judge's refusal to grant a jury instruction regarding the Castle Doctrine constituted reversible error.).

Newell v. State, 49 So. 3d 66, 76-78 (Miss. 2010) (The “no duty to retreat” rule, found in Newell's proposed instructions D-7 and D-8, was covered fairly elsewhere, specifically, in the defense's own instruction D-23. Instruction D-23 read: The Court instructs the jury that while the danger which will justify the taking of another's life must be imminent, pending, and present, such danger need not be unavoidable except by killing in self-defense. The Defendant, James Newell, need not have avoided the danger to his person presented by the deceased, Adrian

Boyette, by flight. So long as James Newell was in a place where he had the right to be and was not the immediate provoker and aggressor, he may stand his ground without losing his right to self-defense. Newell obviously had a right to be in the Slab House parking lot and in his own truck. So the jury was instructed adequately by instruction D-23 that Newell did not have a duty to retreat from Boyette's alleged aggression by leaving his truck or fleeing the parking lot.).

512 Voluntary Intoxication - Not a Defense

A person is voluntarily intoxicated if [he/she] becomes intoxicated by voluntarily using any intoxicating drug, drink, or other substance knowing that it could cause an intoxicating effect or voluntarily assuming the risk that it could cause intoxication.

If you find that when the defendant is not intoxicated, [he/she] is capable of knowing right from wrong, and that the defendant voluntarily became intoxicated so that [he/she] did not know or understand the act of _____ [specify crime charged], then the defendant is responsible for the crime of _____ [specify crime charged], and [his/her] voluntary intoxication is not a defense to the crime.

Sources

Mississippi Model Jury Instruction - Criminal 2:8.

Judicial Council of California Criminal Jury Instruction 3426.

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 10 Poisons, Drugs, and Other Controlled Substances

1000 Possessing a Schedule I or II Controlled Substance

[Name of defendant] is charged in count ____ with possessing _____ [specify the Schedule I or II controlled substance].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully possessed _____ [specify weight or dosage units] of _____ [specify the Schedule I or II controlled substance], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 4:5.

Miss. Code Ann. § 41-29-139.

Practice Note: The controlled substance's weight or dosage units must be specified according to

Miss. Code Ann § 41-29-139.

1001 Possessing a Schedule I or II Controlled Substance with Intent to Sell or Distribute

[Name of defendant] is charged in count ____ with possessing _____ [specify the Schedule I or II controlled substance] intending to [sell/barter/transfer/manufacture/distribute/dispense].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] [intentionally/knowingly] and unlawfully possessed _____ [specify the Schedule I or II controlled substance], intending to [sell/barter/transfer/distribute/dispense] the _____ [specify the Schedule I or II controlled substance] to another person,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 4:7.

Miss. Code Ann. § 41-29-139.

1002 Selling a Schedule I or II Controlled Substance

[Name of defendant] is charged in count ____ with [selling/bartering/transferring/manufacturing/distributing/dispensing] _____ [specify the Schedule I or II controlled substance].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] [intentionally/knowingly] and unlawfully [sold/bartered/transferred/manufactured/distributed/dispensed] _____ [specify the Schedule I or II controlled substance] to [name of person],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 4:6.

Miss. Code Ann. § 41-29-139.

1003 Possessing a Schedule III, IV, or V Controlled Substance

[Name of defendant] is charged in count ____ with possessing _____ [specify the Schedule III, IV, or V controlled substance].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully possessed _____ [specify weight or dosage unit] of _____ [specify the Schedule III, IV, or V controlled substance],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 4:8.

Miss. Code Ann § 41-29-139.

Practice Note: The controlled substance's weight or dosage unit must be specified according to

Miss. Code Ann. § 41-29-139.

1004 Possessing a Schedule III, IV, or V Controlled Substance with Intent to Sell or

Distribute

[Name of defendant] is charged in count ____ with possessing _____ [specify name of the Schedule III, IV, or V controlled substance] intending to [sell/barter/transfer/manufacture/distribute/dispense].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully possessed _____ [specify the Schedule III, IV, or V controlled substance], intending to [sell/barter/transfer/manufacture/distribute/dispense] the _____ [specify the Schedule III, IV, or V controlled substance] to another person, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 4:10.

Miss. Code Ann. § 41-29-139.

1005 Selling a Schedule III, IV, or V Controlled Substance

[Name of defendant] is charged in count ____ with [selling/bartering/transferring/manufacturing/distributing/dispensing] _____ [specify the Schedule III, IV, or V controlled substance].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully

[sold/bartered/transferred/manufactured/distributed/dispensed] _____ [specify weight] of _____ [specify the Schedule III, IV, or V controlled substance] to [name of person], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 4:9.

Miss. Code Ann. § 41-29-139.

1006 Possessing Marihuana or Synthetic Cannabinoids

[Name of defendant] is charged in count ____ with possessing marihuana or synthetic cannabinoids.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/knowingly] and unlawfully possessed _____ [specify weight] of marihuana or synthetic cannabinoids,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instructions - Criminal 4:11, 4:12, 4:13, 4:14, 4:15, and 4:16.

Miss. Code Ann. § 41-29-139.

Practice Note: The marihuana or synthetic cannabinoids's weight must be specified according to

Miss. Code Ann. § 41-29-139.

1007 Possessing Marihuana or Synthetic Cannabinoids with Intent to Sell or Distribute

[Name of defendant] is charged in count ____ with possessing marihuana or synthetic cannabinoids intending to [sell/barter/transfer/distribute/dispense].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/knowingly] and unlawfully possessed _____ [specify weight] of marihuana or synthetic cannabinoids, intending to [sell/barter/transfer/distribute/dispense] the marihuana or synthetic cannabinoids to another person,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 4:19 and 4:20.

Miss. Code Ann. § 41-29-139.

Practice Note: The marihuana or synthetic cannabinoids's weight must be specified according to Miss. Code Ann. § 41-29-139(b)(1)-(3).

1008 Selling Marihuana or Synthetic Cannabinoids

[Name of defendant] is charged in count _____ with [selling/bartering/transferring/manufacturing/distributing/dispensing] marihuana or synthetic cannabinoids.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [sold/bartered/transferred/manufactured/distributed/dispensed] _____ [specify weight] of marihuana or synthetic cannabinoids to [name of person], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 4:17 and 4:18.

Miss. Code Ann. § 41-29-139.

Practice Note: The marihuana or synthetic cannabinoids's weight must be specified according to

Miss. Code Ann. § 41-29-139.

1009 Possessing a Controlled Substance with Intent to Distribute on or near a School

Ground

[Name of defendant] is charged in count ____ with possessing _____ [specify the controlled substance] intending to [sell/barter/transfer/manufacture/distribute/dispense] on or near [a/an] _____ [specify building or outbuilding of a public or private elementary, vocational or secondary school; church; public park; ballpark; public gymnasium; youth center; or movie theater].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] [intentionally/knowingly] and unlawfully possessed _____ [specify the controlled substance], intending to [sell/barter/transfer/distribute/dispense] the _____ [specify the controlled substance] to another person:

A. [In/On] _____ [specify building or outbuilding of a public or private elementary, vocational or secondary school; church; public park; ballpark; public gymnasium; youth center; or movie theater]; or

B. Within 1,500 feet of _____ [specify building or outbuilding of a public or private elementary, vocational or secondary school; church; public park; ballpark; public gymnasium; youth center; or movie theater]; or

C. Within 1,000 feet of the real property [comprising/making up] [a/an] _____ [specify public or private elementary, vocational or secondary school; church; public park; ballpark; public gymnasium; youth center; or movie theater],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 4:4.

Miss. Code Ann. § 41-29-139 and § 41-29-142.

Practice Note: If the controlled substance is marihuana or synthetic cannabinoids, then the weight must be specified according to Miss. Code Ann. § 41-29-139.

1010 Selling a Controlled Substance on or near a School Ground

[Name of defendant] is charged in count ____ with

[selling/bartering/transferring/manufacturing/distributing/dispensing] _____ [specify the controlled substance] on or near _____ [specify building or outbuilding of a public or private elementary, vocational or secondary school; church; public park; ballpark; public gymnasium; youth center; or movie theater].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [sold/bartered/transferred/manufactured/distributed/dispensed] _____ [specify the controlled substance] to [name of person]:

A. [In/On] _____ [specify building or outbuilding of a public or private elementary, vocational or secondary school; church; public park; ballpark; public gymnasium; youth center; or movie theater]; or

B. Within 1,500 feet of _____ [specify building or outbuilding of a public or private elementary, vocational or secondary school; church; public park; ballpark; public gymnasium; youth center; or movie theater]; or

C. Within 1,000 feet of the real property [comprising/making up] [a/an] _____ [specify public or private elementary, vocational or secondary school; church; public park; ballpark; public gymnasium; youth center; or movie theater],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 4:3.

Miss. Code Ann. § 41-29-139 and § 41-29-142.

Practice Note: If the controlled substance is marihuana or synthetic cannabinoids, then the weight must be specified according to Miss. Code Ann. § 41-29-139.

1011 Possessing a Controlled Substance with Intent to Sell or Distribute to a Minor

[Name of defendant] is charged in count ____ with possessing _____ [specify the controlled substance] intending to [sell/barter/transfer/manufacture/distribute/dispense] to a person less than 21 years old.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was 21 years old or older; and
 3. [Name of defendant] [intentionally/knowingly] and unlawfully possessed _____ [specify the controlled substance], intending to [sell/barter/transfer/distribute/dispense] the _____ [specify the controlled substance] to [name of person less than 21 years of age], who was less than 21 years old,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 4:2.

Miss. Code Ann. § 41-29-139 and § 41-29-145.

1012 Selling or Distributing a Controlled Substance to a Minor

[Name of defendant] is charged in count ____ with [selling/bartering/transferring/manufacturing/distributing/dispensing] _____ [list name of the controlled substance] to a person less than 21 years old.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was 21 years old or older; and
 3. [Name of defendant] [intentionally/knowingly] and unlawfully [sold/bartered/transferred/manufactured/distributed/dispensed] _____ [specify the controlled substance] to [name of person less than 21 years of age], who was less than 21 years old,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 4:1.

Miss. Code Ann. § 41-29-139 and § 41-29-145.

1013 Attempting to Manufacture or Distribute Precursors With Intent to Manufacture

[Name of defendant] is charged in count ____ with attempting to manufacture or distribute two (2) or more precursor chemicals or drugs intending to manufacture a controlled substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to

[manufacture/distribute] two (2) or more precursor chemicals or drugs, specifically _____ [specify the precursor chemicals or drugs listed in § 41-29-313], intending to manufacture a controlled substance, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “precursor chemical or drug” means a chemical or drug that, in addition to legal uses, may be used to manufacture a controlled substance.

Sources

Mississippi Model Jury Instruction - Criminal 4:21.

Miss. Code Ann. § 41-29-313.

1014 Purchasing or Possessing Precursors With Intent to Manufacture

[Name of defendant] is charged in count ____ with [purchasing/possessing/transferring/manufacturing] two (2) or more precursor chemicals or drugs intending to manufacture a controlled substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [bought/purchased/possessed/transferred/manufactured] two (2) or more precursor chemicals or drugs, specifically _____ [specify the precursor chemicals or drugs listed in §

41-29-313], intending to manufacture a controlled substance,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “precursor chemical or drug” means a chemical or drug that, in addition to legal uses, may be used to manufacture a controlled substance.

Sources

Mississippi Model Jury Instruction - Criminal 4:21.

Miss. Code Ann. § 41-29-313.

1015 Attempting to Manufacture or Distribute Precursors Knowing of Their Use

[Name of defendant] is charged in count ____ with attempting to manufacture or distribute two (2) or more precursor drugs or chemicals knowing or under circumstances where [name of defendant] reasonably should have known that the precursor chemicals or drugs would be used to manufacture a controlled substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to [manufacture/distribute] two (2) or more precursor chemicals or drugs, specifically _____ [specify the precursor chemicals or drugs listed in § 41-29-313], knowing or under circumstances where [name of defendant] reasonably should have known, that

the precursor chemicals or drugs would be used to manufacture a controlled substance, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “precursor chemical or drug” means a chemical or drug that, in addition to legal uses, may be used to manufacture a controlled substance.

Sources

Mississippi Model Jury Instruction - Criminal 4:22.

Miss. Code Ann. § 41-29-313.

1016 Purchasing or Possessing Precursors Knowing of Their Use

[Name of defendant] is charged in count ____ with [purchasing/possessing/transferring/manufacturing] two (2) or more precursor chemicals or drugs knowing or under circumstances where [name of defendant] reasonably should have known that the precursor chemicals or drugs would be used to manufacture a controlled substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [bought/purchased/possessed/transferred/manufactured] two (2) or more precursor chemicals or drugs, specifically _____ [specify the precursor chemicals or drugs listed in § 41-29-313], knowing or under circumstances where [name of defendant] reasonably should have

known, that the precursor chemicals or drugs would be used to manufacture a controlled substance,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “precursor chemical or drug” means a chemical or drug that, in addition to legal uses, may be used to manufacture a controlled substance.

Sources

Mississippi Model Jury Instruction - Criminal 4:22.

Miss. Code Ann. § 41-29-313.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 11 Correctional System

1100 Bringing Contraband into Correctional Facilities

[Name of defendant] is charged in count ____ with bringing contraband into a correctional facility or jail.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [gave/furnished/supplied/attempted to give/attempted to supply] [a/an] _____ [specify weapon, deadly weapon, unauthorized electronic device, cell phone, or any of its components or accessories, Subscriber Information Module (SIM) card, charger, or other contraband] to [name of offender], an offender, while [name of offender] was confined in _____ [specify correctional facility or jail], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “offender” means a person who has been convicted of a crime or offense under the laws and ordinances of the state and its political subdivisions.

Sources

Miss. Code Ann. § 47-5-193 and § 47-5-4.

1101 Possessing Contraband in a Correctional Facility

[Name of defendant] is charged in count ____ with possessing contraband in a correctional facility or jail.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully possessed [a/an] _____ [specify weapon, deadly weapon, unauthorized electronic device, cell phone, or any of its components or accessories, Subscriber Information Module (SIM) card, charger, or other contraband], while confined in _____ [specify correctional facility or jail],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 47-5-193.

1102 Possessing Money in a Correctional Facility

[Name of defendant] is charged in count ____ with possessing money while in a correctional facility or jail.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was an offender and committed to the Mississippi Department of Corrections; and
3. [Name of defendant] unlawfully possessed _____ [specify money, coin, currency, money order, traveler's check, promissory note, credit card, personal check, or other negotiable

instrument] _____ [specify (1) on [his/her] body or (2) in a location assigned to [him/her] and under [his/her] control],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “offender” means a person who has been convicted of a crime or offense under the laws and ordinances of the state and its political subdivisions.

Sources

Miss. Code Ann. § 47-5-194 and § 47-5-4.

1103 Selling or Possessing a Controlled Substance in a Correctional Facility

[Name of defendant] is charged in count ___ with selling or possessing a controlled substance in a correctional facility.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [sold/brought/possessed] _____ [specify the controlled substance] in _____ [specify correctional facility or jail], which is a state correctional facility, convict camp, or a county, municipal, or other jail,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 47-5-198.

1104 Allowing a Controlled Substance to be Sold or Possessed in a Correctional Facility

[Name of defendant] is charged in count ____ with allowing a controlled substance to be sold or possessed in a correctional facility.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] was an officer or keeper in charge of a correctional facility, camp, or jail;

OR

- 2B. [Name of defendant] was employed in or around a facility, camp, or jail; and
3. [Name of defendant] [intentionally/knowingly] and unlawfully [allowed/permitted] _____ [specify the controlled substance] to be [sold/possessed/used] in _____ [specify correctional facility or jail], which is a state correctional facility, convict camp, or a county, municipal, or other jail, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 47-5-198.

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 12 Implied Consent Law and Traffic Violations

1200 Driving under the Influence – Definition

Driving under the influence is driving while in a state of intoxication where a person's clarity and control are lessened.

Sources

Leuer v. City of Flowood, 744 So. 2d 266, 269 (Miss. 1999) (citation omitted) (In addition, the Third Circuit noted that courts have recognized for over half a century that driving “under the influence” is commonly understood to mean driving in a state of intoxication that lessens a person's normal ability for clarity and control.).

1201 Driving under the Influence – First Offense

[Name of defendant] is charged in count _____ with driving or operating a vehicle while under the influence of an intoxicating liquor, substance, drug, or controlled substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [drove/operated] a _____ [specify vehicle]; and
3. When [name of defendant] [drove/operated] the _____ [specify vehicle], [name of defendant] was unlawfully under the influence of an intoxicating liquor, substance, drug, or controlled substance,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “driving under the influence” means driving while in a state of intoxication where a person’s clarity and control are lessened.

Sources

Mississippi Model Jury Instruction - Criminal 5:1.

Miss. Code Ann. § 63-11-30.

1202 Driving under the Influence – Second Offense

[Name of defendant] is charged in count _____ with a second offense for driving or operating a vehicle while under the influence of an intoxicating liquor, substance, drug, or controlled substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [drove/operated] a _____ [specify vehicle]; and
3. When [name of defendant] [drove/operated] the _____ [specify vehicle], [name of defendant] was unlawfully under the influence of an intoxicating liquor, substance, drug, or controlled substance; and
4. [Name of defendant] was previously convicted of _____ [specify violation of § 63-11-30 or other conviction] in _____ [list court and details of previous conviction] on _____ [list date of offense of previous conviction]; and
5. [Name of defendant]’s previous offense for _____ [specify violation of § 63-11-30 or other conviction] occurred within five (5) years of _____ [list date of alleged crime],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “driving under the influence” means driving while in a state of intoxication where a person’s clarity and control are lessened.

Sources

Miss. Code Ann. § 63-11-30.

Smith v. State, 950 So. 2d 1056, 1058 (Miss. Ct. App. 2007).

1203 Driving under the Influence – Third Offense

[Name of defendant] is charged in count _____ with a third offense for driving or operating a vehicle while under the influence of an intoxicating liquor, substance, drug, or controlled substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [drove/operated] a _____ [specify vehicle]; and
3. When [name of defendant] [drove/operated] the _____ [specify vehicle], [name of defendant] was unlawfully under the influence of an intoxicating liquor, substance, drug, or controlled substance; and
4. [Name of defendant] was previously convicted of _____ [specify violation of § 63-11-30 or other conviction] in _____ [list court and details of previous conviction] on

_____ [list date of offense of previous conviction] and of _____ [specify violation of § 63-11-30 or other conviction] in _____ [list court and details of previous conviction] on _____ [list date of offense of previous conviction]; and

5. [Name of defendant]’s previous offenses for _____ [specify violations of § 63-11-30 or other conviction] occurred within five (5) years of _____ [list date of alleged crime], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “driving under the influence” means driving while in a state of intoxication where a person’s clarity and control are lessened.

Sources

Miss. Code Ann. § 63-11-30.

1204 Driving under the Influence – Chemical Test Results Available – Defendant 21 Years Old or Older

[Name of defendant] is charged in count _____ with driving or operating a vehicle while under the influence of an intoxicating liquor, substance, drug, or controlled substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was 21 years old or older; and
3. [Name of defendant] [drove/operated] a _____ [specify vehicle]; and

4A. When [name of defendant] [drove/operated] the _____ [specify vehicle], [name of defendant]'s blood alcohol [concentration/level] was unlawfully at 0.08 percent or more by weight;

OR

4B. When [name of defendant] [drove/operated] the _____ [specify vehicle], [name of defendant] was unlawfully under the influence of an intoxicating liquor, substance, drug, or controlled substance,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, "driving under the influence" means driving while in a state of intoxication where a person's clarity and control are lessened.

Sources

Mississippi Model Jury Instruction - Criminal 5:2.

Miss. Code Ann. § 63-11-30.

1205 Driving under the Influence – Chemical Test Results Available – Defendant less than 21 Years Old (Zero Tolerance for Minors)

[Name of defendant] is charged in count ___ with driving or operating a vehicle while under the influence of an intoxicating liquor, substance, drug, or controlled substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was less than 21 years old; and
 3. [Name of defendant] [drove/operated] a _____ [specify vehicle]; and
 4. When [name of defendant] [drove/operated] the _____ [specify vehicle], [name of defendant]'s blood alcohol [concentration/level] was unlawfully at 0.02 percent or more by weight but less than .08 percent,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 5:3.

Miss. Code Ann. § 63-11-30.

1206 Driving or Operating a Commercial Vehicle under the Influence – Chemical Tests

Results Available

[Name of defendant] is charged in count _____ with driving or operating a commercial vehicle while under the influence of an intoxicating liquor, substance, drug, or controlled substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [drove/operated] a _____ [specify commercial vehicle], which is a commercial vehicle; and
- 3A. When [name of defendant] [drove/operated] the _____ [specify commercial vehicle],

[name of defendant]’s blood alcohol [concentration/level] was unlawfully at 0.04 percent or more by weight;

OR

3B. When [name of defendant] [drove/operated] the _____ [specify commercial vehicle], [name of defendant] was unlawfully under the influence of an intoxicating liquor, substance, drug, or controlled substance, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “commercial vehicle” means a motor vehicle used in business to transport passengers or property if it (1) weighs 26,001 pounds or more; (2) carries 16 or more passengers, including the driver; or (3) carries hazardous materials.

In this instruction, “driving under the influence” means driving while in a state of intoxication where a person’s clarity and control are lessened.

Sources

Mississippi Model Jury Instruction - Criminal 5:4.

Miss. Code Ann. § 63-11-30 and § 63-1-203(f).

1207 Driving under the Influence – Causing Death or Injury

[Name of defendant] is charged in count _____ with driving or operating a vehicle while under the influence of an intoxicating liquor, substance, drug, or controlled substance and

negligently injuring or killing another person.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [drove/operated] a _____ [specify vehicle]; and
- 3A. When [name of defendant] [drove/operated] the _____ [specify vehicle], [name of defendant]'s blood alcohol level was unlawfully at 0.08 percent or more by weight;

OR

- 3B. When [name of defendant] [drove/operated] the _____ [specify vehicle], [name of defendant] was unlawfully under the influence of an intoxicating liquor, substance, drug, or controlled substance; and
4. While [name of defendant] was [driving/operating] the _____ [specify vehicle], [name of defendant] was negligent by _____ [describe defendant's alleged actions]; and
5. [Name of victim] was injured or killed as a result of [name of defendant]'s negligence, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “negligence” and “negligently” mean doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances. [If the defendant violated

a state or municipal law, then the jury may find that [he/she] was negligent.]

In this instruction, “driving under the influence” means driving while in a state of intoxication where a person’s clarity and control are lessened.

Sources

Mississippi Model Jury Instruction - Criminal 5:5.

Miss. Code Ann. § 63-11-30(5).

1208 Violation of Motor Vehicle or Traffic Regulations

[Name of defendant] is charged in count _____ with violating § _____ [specify code section] of the Mississippi Code.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. While [driving/operating] a vehicle, [name of defendant] unlawfully failed to [follow/obey] § _____ [specify code section] which requires:
 - A. _____ [Specify requirements of the code section]; and
 - B. _____ [Specify requirements of the code section];
 3. By _____ [describe defendant’s alleged actions],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 5:6.

Miss. Code Ann. § 63-9-11.

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 25 Conspiracy, Accessories, and Attempts

2500 Conspiracy

[Name of defendant] is charged in count ___ with conspiracy to _____
[specify crime or action listed in § 97-1-1].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] and [name(s) of co-conspirator(s)] unlawfully [agreed/conspired]:
 - A. To commit _____ [specify crime]; or
 - B. To have [name of victim] falsely arrested [and/or] indicted for _____ [specify the crime]; or
 - C. To file a lawsuit against [name of victim] falsely alleging _____ [specify cause of action]; or
 - D. To cheat [name of victim] out of _____ [specify property] by unlawfully _____ [describe defendant's alleged actions]; or
 - E. To keep [name of victim] from working as a _____ [specify job or profession] or from operating [his/her] business by _____ [describe defendant's alleged actions]; or
 - F. To _____ [describe defendant's alleged actions], which would violate public health, public morals, trade, commerce, obstruct justice, [and/or] the enforcement of laws; or
 - G. To violate or overthrow the laws of Mississippi using violence, threats, or intimidation

by _____ [describe defendant's alleged actions]; or

H. To accomplish _____ [describe defendant's intent] by unlawfully
_____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 6:1.

Miss. Code Ann. § 97-1-1.

2501 Accessory before the Fact

[Name of defendant] is charged in count ____ with being an accessory before the fact.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [aided/assisted/helped] [name of person] commit
_____ [specify crime] by _____ [describe defendant's alleged
actions]; and

3. [Name of person] did in fact commit _____ [specify crime],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 6:2.

Miss. Code Ann. § 97-1-3.

Wilson v. State, 592 So. 2d 993, 997 (Miss. 1991) (citations omitted) (For a jury to convict as an accessory before the fact there must be evidence that the defendant procures, counsels, or commands another to commit a felony for him, but is not himself present, actually or constructively, when the felony is committed. The jury is not permitted to simply assume that the felony was in fact committed. The jury must find beyond a reasonable doubt that the crime was committed and that the defendant counseled or commanded another to commit the crime.).

2502 Accessory after the Fact

[Name of defendant] is charged in count ____ with being an accessory after the fact.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully [aided/assisted/concealed/helped/received] [name of person] by _____ [describe defendant's alleged actions] after [name of person] had committed _____ [specify crime], knowing that [name of person] had committed _____ [specify crime] and intending to [enable/help] [name of person] escape or avoid arrest, trial, conviction, or punishment,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 6:3.

Miss. Code Ann. § 97-1-5.

2503 Attempt

[Name of defendant] is charged in count ____ with attempted _____ [specify crime].

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
 - 2. [Name of defendant] unlawfully [designed/endeavored/intended/planned] to commit _____ [specify crime] by _____ [describe defendant’s alleged actions], an [overt/obvious/unconcealed] act towards committing _____ [specify crime]; but
 - 4. [Name of defendant] did not actually complete the _____ [specify crime] or was prevented from completing the _____ [specify crime] because _____ [specify reason defendant was prevented from committing the crime],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 6:4.

Miss. Code Ann. § 97-1-7.

2504 Aider and Abettor

A defendant’s guilt can be proven even though that defendant did not personally commit the crime charged. The law recognizes that one person can tell or direct another person to

commit a crime, and that [he/she] will be guilty of that crime if and when it is committed by the other person. This is called aiding and abetting. The fact that a person is present when a crime is committed or knows that a crime is being committed is not enough evidence to prove beyond a reasonable doubt that the defendant is guilty as an aider or abettor of the crime charged. The evidence must prove beyond a reasonable doubt that the defendant voluntarily and actively participated in committing the crime. In order to find the defendant guilty beyond a reasonable doubt, you must find that another person committed each and every element of the crime charged, and that the defendant voluntarily aided and abetted in its commission intending to violate the law.

Sources

Mississippi Model Jury Instruction - Criminal 6:5.

Milano v. State, 790 So. 2d 179, 185 (Miss. 2001) (To avoid any further confusion, today, we prospectively adopt the Fifth Circuit's Pattern Jury Instruction on Aiding and Abetting due to continuing litigation and confusion over this issue. The use of this instruction should cure future problems regarding this issue. The instruction is as follows: The guilt of a defendant in a criminal case may be established without proof that the defendant personally did every act constituting the offense alleged. The law recognizes that, ordinarily, anything a person can do for himself may also be accomplished by that person through the direction of another person as his or her agent, or by acting in concert with, or under the direction of, another person or persons in a joint effort or enterprise. If another person is acting under the direction of the defendant or if the defendant joins another person and performs acts with the intent to commit a crime, then the law holds the defendant responsible for the acts and conduct of such other persons just as though the defendant

had committed the acts or engaged in such conduct. Before any defendant may be held criminally responsible for the acts of others, it is necessary that the accused deliberately associate himself in some way with the crime and participate in it with the intent to bring about the crime. Of course, mere presence at the scene of a crime and knowledge that a crime is being committed are not sufficient to establish that a defendant either directed or aided and abetted the crime unless you find beyond a reasonable doubt that the defendant was a participant and not merely a knowing spectator. In other words, you may not find any defendant guilty unless you find beyond a reasonable doubt that every element of the offense as defined in these instructions was committed by some person or persons, and that the defendant voluntarily participated in its commission with the intent to violate the law.).

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 26 Crimes Against the Person - Assault

A. Simple Assault

2600 Simple Assault - Attempting to Injure a Person

[Name of defendant] is charged in count ____ with simple assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim] by _____ [describe defendant's alleged actions],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:1.

Miss. Code Ann. § 97-3-7(1).

2601 Simple Assault - Attempting to Injure a Law Enforcement Officer or Other Official

[Name of defendant] is charged in count ____ with simple assault on [a/an] _____
[specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and

3. When [name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and

4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 7:2.

Miss. Code Ann. § 97-3-7(1).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2602 Simple Assault - Attempting to Injure a Person 65 Years Old or Older or a

Vulnerable Adult

[Name of defendant] is charged in count ____ with simple assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim]

by _____ [describe defendant's alleged actions]; and

3. When [name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, "vulnerable adult" means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:3.

Miss. Code Ann. § 97-3-7(1).

2603 Simple Assault - Intentionally Injuring a Person

[Name of defendant] is charged in count ____ with simple assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:4.

Miss. Code Ann. § 97-3-7(1).

2604 Simple Assault - Intentionally Injuring a Law Enforcement Officer or Other Official

[Name of defendant] is charged in count ____ with simple assault on [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and
4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official

listed in § 97-3-7],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:5.

Miss. Code Ann. § 97-3-7(1).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2605 Simple Assault - Intentionally Injuring a Person 65 Years Old or Older or a Vulnerable Adult

[Name of defendant] is charged in count ____ with simple assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
 3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:6.

Miss. Code Ann. § 97-3-7(1).

2606 Simple Assault - Recklessly Injuring a Person

[Name of defendant] is charged in count ____ with simple assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] recklessly and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant’s alleged actions],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:7.

Miss. Code Ann. § 97-3-7(1).

2607 Simple Assault - Recklessly Injuring a Law Enforcement Officer or Other Official

[Name of defendant] is charged in count ____ with simple assault on [a/an] _____
[specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] recklessly and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
3. When [name of defendant] recklessly and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and
4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:5.

Miss. Code Ann. § 97-3-7(1).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2608 Simple Assault - Recklessly Injuring a Person 65 Years Old or Older or a Vulnerable Adult

[Name of defendant] is charged in count ____ with simple assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] recklessly and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
 3. When [name of defendant] recklessly and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:6.

Miss. Code Ann. § 97-3-7(1).

2609 Simple Assault - Negligently Injuring a Person With a Deadly Weapon

[Name of defendant] is charged in count ____ with simple assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] negligently and unlawfully [injured/caused bodily injury to] [name of victim] by using a deadly weapon to _____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 7:10.

Miss. Code Ann. § 97-3-7(1).

2610 Simple Assault - Negligently Injuring a Law Enforcement Officer or Other Official

With a Deadly Weapon

[Name of defendant] is charged in count ____ with simple assault on [a/an] _____
[specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] negligently and unlawfully [injured/caused bodily injury to] [name of victim] by using a deadly weapon to _____ [describe defendant’s alleged actions]; and
 3. When [name of defendant] negligently and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and
 4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person

would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 7:11.

Miss. Code Ann. § 97-3-7(1).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2611 Simple Assault - Negligently Injuring a Person 65 Years Old or Older or a Vulnerable Adult With a Deadly Weapon

[Name of defendant] is charged in count ___ with simple assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] negligently and unlawfully [injured/caused bodily injury to] [name of victim] by using a deadly weapon to _____ [describe defendant’s alleged actions]; and
3. When [name of defendant] negligently and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:12.

Miss. Code Ann. § 97-3-7(1).

2612 Simple Assault - Negligently Injuring a Person Using Other Means

[Name of defendant] is charged in count ____ with simple assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] negligently and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant’s alleged actions], which was

likely to kill or seriously injure [name of victim],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Mississippi Model Jury Instruction - Criminal 7:13.

Miss. Code Ann. § 97-3-7(1).

**2613 Simple Assault - Negligently Injuring a Law Enforcement Officer or Other Official
Using Other Means**

[Name of defendant] is charged in count ____ with simple assault on [a/an] _____
[specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] negligently and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant’s alleged actions], which was likely to kill or seriously injure [name of victim]; and
3. When [name of defendant] negligently and unlawfully [injured/caused bodily injury to] [name

of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and

4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Mississippi Model Jury Instruction - Criminal 7:14.

Miss. Code Ann. § 97-3-7(1).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2614 Simple Assault - Negligently Injuring a Person 65 Years Old or Older or a Vulnerable Adult Using Other Means

[Name of defendant] is charged in count ____ with simple assault on a person 65 years old

or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] negligently and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant's alleged actions], which was likely to kill or seriously injure [name of victim]; and
3. When [name of defendant] negligently and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:15.

Miss. Code Ann. § 97-3-7(1).

2615 Simple Assault - Attempting to Injure a Person by Physical Act or Threat

[Name of defendant] is charged in count ____ with simple assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully attempted to make [name of victim] fear [immediate/imminent] serious bodily injury by _____ [describe defendant's alleged actions or threats],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:16.

Miss. Code Ann. § 97-3-7(1).

2616 Simple Assault - Attempting to Injure a Law Enforcement Officer or Other Official by Physical Act or Threat

[Name of defendant] is charged in count ____ with simple assault on [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to make [name of victim] fear [immediate/imminent] serious bodily injury by _____ [describe defendant's

alleged actions or threats]; and

3. When [name of defendant] unlawfully attempted to make [name of victim] fear [immediate/imminent] serious bodily injury, [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and

4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 7:17.

Miss. Code Ann. § 97-3-7(1).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2617 Simple Assault - Attempting to Injure a Person 65 Years Old or Older or a Vulnerable Adult by Physical Act or Threat

[Name of defendant] is charged in count ____ with simple assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully attempted to make [name of victim] fear [immediate/imminent] serious bodily injury by _____ [describe defendant's alleged actions]; and
 3. When [name of defendant] unlawfully attempted to make [name of victim] fear [immediate/imminent] serious bodily injury, [name of victim] was 65 years old or older or a vulnerable adult,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:3.

Miss. Code Ann. § 97-3-7(1).

B. Aggravated Assault

2618 Aggravated Assault - Attempting to Cause Serious Injury to a Person

[Name of defendant] is charged in count ____ with aggravated assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [seriously injure/cause serious bodily injury to] [name of victim] by _____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:19.

Miss. Code Ann. § 97-3-7(2).

2619 Aggravated Assault - Attempting to Seriously Injure a Law Enforcement Officer or Other Official

[Name of defendant] is charged in count ____ with aggravated assault on [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [seriously injure/cause serious bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
3. When [name of defendant] unlawfully attempted to [seriously injure/cause serious bodily injury to] [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her]

[duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and

4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 7:20.

Miss. Code Ann. § 97-3-7(2).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2620 Aggravated Assault - Attempting to Cause Serious Injury to a Person 65 Years Old or Older or a Vulnerable Adult

[Name of defendant] is charged in count ____ with aggravated assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [seriously injure/cause serious bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
3. When [name of defendant] unlawfully attempted to [seriously injure/cause serious bodily

injury to) [name of victim], [name of victim] was 65 years old or older or a vulnerable adult, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:21.

Miss. Code Ann. § 97-3-7(2).

2621 Aggravated Assault - Intentionally Causing Serious Injury to a Person

[Name of defendant] is charged in count ____ with aggravated assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [seriously injured/caused serious bodily injury to] [name of victim] by

_____ [describe defendant’s alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:22.

Miss. Code Ann. § 97-3-7(2).

2622 Aggravated Assault - Intentionally Causing Serious Injury to a Law Enforcement Officer or Other Official

[Name of defendant] is charged in count ____ with aggravated assault on [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [seriously injured/caused serious bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [seriously injured/caused serious bodily injury to] [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and
4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:23.

Miss. Code Ann. § 97-3-7(2).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2623 Aggravated Assault - Intentionally Causing Serious Injury to a Person 65 Years Old or Older or a Vulnerable Adult

[Name of defendant] is charged in count ____ with aggravated assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [seriously injured/caused serious bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [seriously injured/caused serious bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:22.

Miss. Code Ann. § 97-3-7(2).

2624 Aggravated Assault - Recklessly Caused Serious Injury to a Person

[Name of defendant] is charged in count ___ with aggravated assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] recklessly and unlawfully [seriously injured/caused serious bodily injury to] [name of victim] by _____ [describe defendant’s alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ___.

Sources

Mississippi Model Jury Instruction - Criminal 7:24.

Miss. Code Ann. § 97-3-7(2).

2625 Aggravated Assault - Recklessly Caused Serious Injury to a Law Enforcement Officer

or Other Official

[Name of defendant] is charged in count ____ with aggravated assault on [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] recklessly and unlawfully [seriously injured/caused serious bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
 3. When [name of defendant] recklessly and unlawfully [seriously injured/caused serious bodily injury to] [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and
 4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:25.

Miss. Code Ann. § 97-3-7(2).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2626 Aggravated Assault - Recklessly Caused Serious Injury to a Person 65 Years Old or Older or a Vulnerable Adult

[Name of defendant] is charged in count ____ with aggravated assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] recklessly and unlawfully [seriously injured/caused serious bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
3. When [name of defendant] recklessly and unlawfully [seriously injured/caused serious bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:26.

Miss. Code Ann. § 97-3-7(2).

2627 Aggravated Assault - Attempting to Cause Injury to a Person With a Deadly Weapon

[Name of defendant] is charged in count ____ with aggravated assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim] by using a deadly weapon to _____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 7:27.

Miss. Code Ann. § 97-3-7(2).

2628 Aggravated Assault - Attempting to Injure a Law Enforcement Officer or Other Official With a Deadly Weapon

[Name of defendant] is charged in count ____ with aggravated assault on [a/an]

_____ [specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim] by using a deadly weapon to _____ [describe defendant's alleged actions];

and

3. When [name of defendant] unlawfully attempted to cause bodily injury to [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and

4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 7:28.

Miss. Code Ann. § 97-3-7(2).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2629 Aggravated Assault - Attempting to Cause Injury to a Person 65 Years Old or Older or a Vulnerable Adult With a Deadly Weapon

[Name of defendant] is charged in count ____ with aggravated assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim] by using a deadly weapon to _____ [describe defendant's alleged actions]; and
3. When [name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or

serious bodily harm to another person.

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:29.

Miss. Code Ann. § 97-3-7(2).

2630 Aggravated Assault - Intentionally Causing Injury to a Person With a Deadly Weapon

[Name of defendant] is charged in count ____ with aggravated assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by using a deadly weapon to _____ [describe defendant’s alleged actions],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “deadly weapon” means an object, article, or means which, when used

as a weapon under the existing circumstances is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 7:30.

Miss. Code Ann. § 97-3-7(2).

2631 Aggravated Assault - Intentionally Causing Injury to a Law Enforcement Officer or Other Official With a Deadly Weapon

[Name of defendant] is charged in count ____ with aggravated assault on [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by using a deadly weapon to _____ [describe defendant's alleged actions]; and
3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and
4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official

listed in § 97-3-7],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 7:31.

Miss. Code Ann. § 97-3-7(2).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2632 Aggravated Assault - Intentionally Causing Serious Injury to a Person 65 Years Old or Older or a Vulnerable Adult With a Deadly Weapon

[Name of defendant] is charged in count ____ with aggravated assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by using a deadly weapon to _____
[describe defendant’s alleged actions]; and

3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:32.

Miss. Code Ann. § 97-3-7(2).

2633 Aggravated Assault - Attempting to Cause Injury to a Person Using Other Means

[Name of defendant] is charged in count ____ with aggravated assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim] by _____ [describe defendant's alleged actions], which was likely to kill or seriously injure [name of victim], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:33.

Miss. Code Ann. § 97-3-7(2).

2634 Aggravated Assault - Attempting to Injure a Law Enforcement Officer or Other Official Using Other Means

[Name of defendant] is charged in count ____ with aggravated assault on [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim] by _____ [describe defendant's alleged actions], which was likely to kill or seriously injure [name of victim]; and
3. When [name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and

4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 7:34.

Miss. Code Ann. § 97-3-7(2).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2635 Aggravated Assault - Attempting to Cause Injury to a Person 65 Years Old or Older or a Vulnerable Adult Using Other Means

[Name of defendant] is charged in count ____ with aggravated assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim] by _____ [describe defendant's alleged actions], which was likely to kill or seriously injure [name of victim]; and
3. When [name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:35.

Miss. Code Ann. § 97-3-7(2).

2636 Aggravated Assault - Intentionally Causing Injury to a Person Using Other Means

[Name of defendant] is charged in count ____ with aggravated assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant’s alleged actions], which was likely to kill or seriously injure [name of victim], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:36.

Miss. Code Ann. § 97-3-7(2).

2637 Aggravated Assault - Intentionally Causing Injury to a Law Enforcement Officer or Other Official Using Other Means

[Name of defendant] is charged in count ____ with aggravated assault on [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant's alleged actions], which was likely to kill or seriously injure [name of victim]; and
 3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7]; and
 4. [Name of defendant] knew that [name of victim] was [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7] acting within the scope of [his/her] [duty/duties] as [a/an] _____ [specify law enforcement officer or other official listed in § 97-3-7],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:37.

Miss. Code Ann. § 97-3-7(2).

Dotson v. State, 358 So. 2d 1321 (Miss. 1978).

2638 Aggravated Assault - Intentionally Causing Injury to a Person 65 Years Old or Older or a Vulnerable Adult Using Other Means

[Name of defendant] is charged in count ____ with aggravated assault on a person 65 years old or older or a vulnerable adult.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant's alleged actions], which was likely to kill or seriously injure [name of victim]; and
3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was 65 years old or older or a vulnerable adult,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Mississippi Model Jury Instruction - Criminal 7:38.

Miss. Code Ann. § 97-3-7(2).

2639 Aggravated Assault - Injuring a Child Getting On or Off a School Bus

[Name of defendant] is charged in count _____ with aggravated assault.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully injured [name of child], a child, who was getting on or off a school bus, by _____ [describe defendant’s actions which allegedly violated § 63-3-615],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-7(2)(c).

See Miss. Code Ann. § 63-3-615.

C. Simple Domestic Violence

2640 Simple Domestic Violence - Attempting to Injure a Person

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to injure [name of victim] by _____ [describe defendant’s alleged actions]; and
3. When [name of defendant] unlawfully attempted to injure [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:40.

Miss. Code Ann. § 97-3-7(3).

2641 Simple Domestic Violence - Attempting to Injure a Person - Third Offense

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to injure [name of victim] by _____ [describe defendant’s alleged actions]; and
3. When [name of defendant] unlawfully attempted to injure [name of victim], [name of victim]

was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)]; and

4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction], both occurring within five (5) years of _____ [date of alleged crime], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:40.

Miss. Code Ann. § 97-3-7(3).

2642 Simple Domestic Violence - Intentionally Injuring a Person

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully injured [name of victim] by _____ [describe defendant's alleged actions];
and
3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully injured [name of victim], [name of victim] was [his/her/a/the] _____ [specify

relationship of victim listed in § 97-3-7(3)],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:40.

Miss. Code Ann. § 97-3-7(3).

2643 Simple Domestic Violence - Intentionally Injuring a Person - Third Offense

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully injured [name of victim] by _____ [describe defendant's alleged actions];
and
3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully injured [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)]; and
4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction], both occurring within five (5) years of _____ [date of alleged crime],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:40.

Miss. Code Ann. § 97-3-7(3).

2644 Simple Domestic Violence - Recklessly Injuring a Person

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] recklessly and unlawfully injured [name of victim] by _____ [describe defendant's alleged actions]; and
3. When [name of defendant] recklessly and unlawfully injured [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:40.

Miss. Code Ann. § 97-3-7(3).

2645 Simple Domestic Violence - Recklessly Injuring a Person - Third Offense

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] recklessly and unlawfully injured [name of victim] by _____ [describe defendant's alleged actions]; and
3. When [name of defendant] recklessly and unlawfully injured [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)]; and
4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction], both occurring within five (5) years of _____ [date of alleged crime], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:40.

Miss. Code Ann. § 97-3-7(3).

2646 Simple Domestic Violence - Negligently Injured a Person by Using a Deadly Weapon

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] negligently and unlawfully injured [name of victim] by using a deadly weapon to _____ [describe defendant's alleged actions]; and
3. When [name of defendant] negligently and unlawfully injured [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 7:40.

Miss. Code Ann. § 97-3-7(1).

2647 Simple Domestic Violence - Negligently Injured a Person by Using a Deadly Weapon -

Third Offense

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] negligently and unlawfully injured [name of victim] by using a deadly weapon to _____ [describe defendant's alleged actions]; and
3. When [name of defendant] negligently and unlawfully injured [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)]; and
4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction], both occurring within five (5) years of _____ [date of alleged crime], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 7:40.

Miss. Code Ann. § 97-3-7(3).

2648 Simple Domestic Violence - Negligently Injured a Person by Using Other Means

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] negligently and unlawfully injured [name of victim] by _____ [describe defendant’s alleged actions], which was likely to kill or seriously injure _____ [name of victim]; and
 3. When [name of defendant] negligently and unlawfully injured [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person

would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Mississippi Model Jury Instruction - Criminal 7:40.

Miss. Code Ann. § 97-3-7(3).

2649 Simple Domestic Violence - Negligently Injured a Person by Using Other Means - Third Offense

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] negligently and unlawfully injured [name of victim] by _____ [describe defendant's alleged actions], which was likely to kill or seriously injure _____ [name of victim]; and
3. When [name of defendant] negligently and unlawfully injured [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)]; and
4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction], both occurring within five (5) years of _____ [date of alleged crime], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Mississippi Model Jury Instruction - Criminal 7:40.

Miss. Code Ann. § 97-3-7(3).

2650 Simple Domestic Violence - Attempted by a Physical Act or Threat to Make a Person Fear Serious Injury

[Name of defendant] is charged in count ___ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully attempted to make [name of victim] fear [immediate/imminent] serious bodily injury by _____
[describe defendant’s alleged actions or threats]; and
 3. When [name of defendant] unlawfully attempted to make [name of victim] fear [immediate/imminent] serious bodily injury, [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:41.

Miss. Code Ann. § 97-3-7(3).

2651 Simple Domestic Violence - Attempted by a Physical Act or Threat to Make a Person Fear Serious Injury - Third Offense

[Name of defendant] is charged in count ____ with simple domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to make [name of victim] fear [immediate/imminent] serious bodily injury by _____ [describe defendant's alleged actions or threats]; and
3. When [name of defendant] unlawfully attempted to make [name of victim] fear [immediate/imminent] serious bodily injury, [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)]; and
4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-3-7(3)] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction], both occurring within five (5) years of _____ [date of alleged crime], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 7:41.

Miss. Code Ann. § 97-3-7(3).

D. Aggravated Domestic Violence

2652 Aggravated Domestic Violence - Attempting to Cause Serious Injury to a Person

[Name of defendant] is charged in count ____ with aggravated domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [seriously injure/cause serious bodily injury to] [name of victim] by _____ [describe defendant's alleged actions]; and
3. When [name of defendant] unlawfully attempted to [seriously injure/cause serious bodily injury to] [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(3)],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:42.

Miss. Code Ann. § 97-3-7(4).

2653 Aggravated Domestic Violence - Intentionally Causing Serious Injury to a Person

[Name of defendant] is charged in count ____ with aggravated domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [seriously injured/caused serious bodily injury to] [name of victim] by _____ [describe defendant’s alleged actions]; and
 3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [seriously injured/caused serious bodily injury to] [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(4)];
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:42.

Miss. Code Ann. § 97-3-7(4).

2654 Aggravated Domestic Violence - Recklessly Caused Serious Injury to a Person

[Name of defendant] is charged in count ____ with aggravated domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] recklessly and unlawfully [seriously injured/caused serious bodily injury to] [name of victim] by _____ [describe defendant’s alleged

actions]; and

3. When [name of defendant] recklessly and unlawfully [seriously injured/caused serious bodily injury to] [name of victim], [name of victim] was [his/her/a/the]

_____ [specify relationship of victim listed in § 97-3-7(4)],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 7:42.

Miss. Code Ann. § 97-3-7(4).

2655 Aggravated Domestic Violence - Attempting to Cause Injury to a Person with a Deadly Weapon

[Name of defendant] is charged in count ___ with aggravated domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim] by using a deadly weapon to _____ [describe defendant's alleged actions]; and
3. When [name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(4)],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 7:42.

Miss. Code Ann. § 97-3-7(4).

2656 Aggravated Domestic Violence - Intentionally Causing Injury to a Person with a Deadly Weapon

[Name of defendant] is charged in count ____ with aggravated domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by using a deadly weapon to _____ [describe defendant’s alleged actions]; and
3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(4)];

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 7:42.

Miss. Code Ann. § 97-3-7(4).

2657 Aggravated Domestic Violence - Attempting to Cause Injury to a Person Using Other Means

[Name of defendant] is charged in count ___ with aggravated domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim] by _____ [describe defendant’s alleged actions], which was likely to kill or injure _____ [name of victim]; and
3. When [name of defendant] unlawfully attempted to [injure/cause bodily injury to] [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(4)],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:42.

Miss. Code Ann. § 97-3-7(4).

2658 Aggravated Domestic Violence - Intentionally Causing Injury to a Person Using Other Means

[Name of defendant] is charged in count ____ with aggravated domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused bodily injury to] [name of victim] by _____ [describe defendant's alleged actions], which was likely to kill or injure [name of victim]; and
3. When [name of defendant] [intentionally/knowingly/purposely] and unlawfully [injured/caused serious bodily injury to] [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(4)], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 7:42.

Miss. Code Ann. § 97-3-7(4).

2659 Aggravated Domestic Violence - Strangling

[Name of defendant] is charged in count ____ with aggravated domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
 - 2. [Name of defendant] unlawfully strangled [name of victim] by _____ [describe defendant’s alleged actions]; and
 - 3. When [name of defendant] unlawfully strangled [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(4)],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “strangled” means restricted the flow of oxygen or blood by intentionally applying pressure on the neck or throat of another person by any means or intentionally blocked the nose or mouth of another person.

Sources

Miss. Code Ann. § 97-3-7(4).

2660 Aggravated Domestic Violence - Attempting to Strangle

[Name of defendant] is charged in count ____ with aggravated domestic violence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully attempted to strangle [name of victim] by _____ [describe defendant's alleged actions]; and
 3. When [name of defendant] unlawfully attempted to strangle [name of victim], [name of victim] was [his/her/a/the] _____ [specify relationship of victim listed in § 97-3-7(4)],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “strangle” means to restrict the flow of oxygen or blood by intentionally applying pressure on the neck or throat of another person by any means or to intentionally block the nose or mouth of another person.

Sources

Miss. Code Ann. § 97-3-7(4).

E. Other Assaults

2661 Assault with Intent to Rape

[Name of defendant] is charged in count ____ with assault with the intent to rape.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] assaulted [name of victim] by _____

[describe defendant's alleged actions], intending to rape [name of victim]; and

3. When [name of defendant] assaulted [name of victim], [name of victim] was a virgin or of previously chaste character,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 7:39.

Miss. Code Ann. § 97-3-71.

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 27 Crimes Against the Person - Murder, Manslaughter, and Other Crimes Against the Person

A. Definitions and General Instructions

2700 Homicide - Definition

Homicide is when a person kills another person. [Manslaughter/Murder/Capital murder] is a type of homicide. [Name of defendant] is charged with [manslaughter/murder/capital murder].

Sources

Judicial Council of California Criminal Jury Instruction 500.

2701 Culpable Negligence - Manslaughter Mental State

Culpable negligence is negligence of a degree so great as to be equal to a complete disregard or indifference to the safety of human life. Negligence is doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Staten v. State, 989 So. 2d 938, 944 (Miss. Ct. App. 2008) (citations omitted) (Culpable negligence is negligence of a degree so gross as to be tantamount to a wanton disregard of, or utter indifference to, the safety of human life.).

2702 Heat of Passion - Manslaughter Mental State

Heat of passion is when a person acts in a state of violent and uncontrollable rage. The person must have been provoked into acting in such a manner by some act(s) or word(s) which

would reasonably lead to an angry, hateful, resentful, or terrified emotional state of mind. If a person kills in the heat of passion, the homicide is manslaughter and not murder.

Sources

Givens v. State, 967 So. 2d 1, 11 (Miss. 2007) (citations omitted) (Heat of passion is defined as a state of violent and uncontrollable rage engendered by a blow or certain other provocation given, which will reduce a homicide from the grade of murder to that of manslaughter. Passion or anger suddenly aroused at the time by some immediate and reasonable provocation, by words or acts of one at the time. The term includes an emotional state of mind characterized by anger, rage, hatred, furious resentment or terror.).

2703 Deliberate Design - Murder Mental State

Deliberate design is when a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

Sources

Mississippi Model Jury Instruction - Criminal 3:13.

Griffin v. State, 13 So. 3d 833, 836 (Miss. Ct. App. 2009) (Deliberate design is synonymous with malice aforethought.).

Windham v. State, 520 So. 2d 123, 126 (Miss. 1987) (Deliberate always indicates full awareness of what one is doing, and generally implies careful and unhurried consideration of the consequences. Design means to calculate, plan, contemplate. . . . While it is no doubt true that a deliberate design to kill a person may be formed very quickly, and perhaps only moments before

the act of consummating the intent, it is a contradiction in terms to state that a deliberate design can be formed at the very moment of the fatal act.).

2704 Depraved Heart - Murder Mental State

Acting with a depraved heart is when a person acts in a highly dangerous way which shows that the person does not care for the safety of human life. Even if someone does not intend to kill any particular person, [he/she] can still be guilty of murder if [he/she] acts with a depraved heart, and a person is killed as a result.

Sources

Miss. Code Ann. § 97-3-19(1)(b) (When done in the commission of an act eminently dangerous to others and evincing a depraved heart, regardless of human life, although without any premeditated design to effect the death of any particular individual.).

B. Murder Instructions

2705 Deliberate Design

[Name of defendant] is charged in count ____ with murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully and with deliberate design killed [name of victim], a human being, by _____ [describe defendant's alleged actions], [and
3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

Sources

Mississippi Model Jury Instruction - Criminal 8:1.

Miss. Code Ann. § 97-3-19(1)(a) and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2706 Depraved Heart

[Name of defendant] is charged in count ____ with murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Although [name of defendant] did not have a premeditated design to kill [name of victim], [name of defendant] unlawfully and with a depraved heart killed [name of victim], a human being, by _____ [describe defendant’s alleged actions], [and
3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “depraved heart” means a person acts in a highly dangerous way which shows that [he/she] does not care for the safety of human life. Even if someone does not intend to kill a particular person, [he/she] can still be guilty of murder if [he/she] acts with a depraved heart, and a person is killed as a result.

Sources

Mississippi Model Jury Instruction - Criminal 8:2.

Miss. Code Ann. § 97-3-19(1)(b) and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2707 While Committing a Felony

[Name of defendant] is charged in count _____ with murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. While [name of defendant] was [committing/attempting to commit] _____
[specify felony listed in § 97-3-19(1)(c)] by:

- A. [Elements of felony];
- B. [Elements of felony]; and
- C. [Elements of felony],

[name of defendant] unlawfully and without deliberate design killed [name of victim], a human being, by _____ [describe defendant’s alleged actions], [and

3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

Sources

Mississippi Model Jury Instruction - Criminal 8:3.

Miss. Code Ann. § 97-3-19(1)(c) and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2708 Deliberate Design - An Unborn Child

[Name of defendant] is charged in count ____ with murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully and with deliberate design killed [name of victim], an unborn child, by _____ [describe defendant’s alleged actions], [and
3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

Sources

Mississippi Model Jury Instruction - Criminal 8:1.

Miss. Code Ann. § 97-3-19(1)(d) and § 97-3-37(1).

2709 Lesser-Included Offense of Murder to Capital Murder

If you find that the State did not prove any one of the elements of capital murder, then you must find [name of defendant] not guilty of capital murder. You will then proceed with your deliberations to decide whether the State has proved beyond a reasonable doubt all of the elements of the lesser crime of murder.

If you find beyond a reasonable doubt from the evidence in this case that:

- A. [Elements of felony];
- B. [Elements of felony]; and
- C. [Elements of felony],

then you shall find [name of defendant] guilty of murder.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of murder.

Sources

Mississippi Model Jury Instruction - Criminal 8:5.

C. Capital Murder Instructions

2710 Killing a Peace Officer or Fireman

[Name of defendant] is charged in count ____ with capital murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully and with deliberate design killed [name of victim], a human being, by _____ [describe defendant's alleged actions];

OR

2B. Although [name of defendant] did not have a premeditated design to kill [name of victim], [name of defendant] unlawfully and with a depraved heart killed [name of victim], a human being, by _____ [describe defendant's alleged actions]; and

3. [Name of victim] was a peace officer or fireman acting _____ [specify (1) in [his/her] official capacity as a peace officer or fireman or (2) by [reason/result] of an act performed in [his/her] official capacity]; and

4A. When [name of defendant] unlawfully and with deliberate design killed [name of victim], [name of defendant] knew [name of victim] was a peace officer or fireman;

OR

4B. When [name of defendant] unlawfully and with a depraved heart killed [name of victim], [name of defendant] knew [name of victim] was a peace officer or fireman, [and

5. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

In this instruction, “depraved heart” means a person acts in a highly dangerous way which shows that [he/she] does not care for the safety of human life. Even if someone does not intend to kill a particular person, [he/she] can still be guilty of murder if [he/she] acts with a depraved heart, and a person is killed as a result.

In this instruction, “peace officer” means any state or federal law enforcement officer, including, but not limited to, a federal park ranger; the sheriff of or police officer of a city or town; a conservation officer; a parole officer; judge; senior status judge; special judge; district attorney; legal assistant to a district attorney; county prosecuting attorney; any other court official; an agent of the Alcoholic Beverage Control Division of the State Tax Commission; an agent of the Bureau of Narcotics; personnel of the Mississippi Highway Patrol; employees of the Department of Corrections who are designated as peace officers by the Commissioner of Corrections pursuant to Section 47-5-54; the superintendent, deputies, guards, officers, and other

employees of the Mississippi State Penitentiary.

Sources

Mississippi Model Jury Instruction - Criminal 8:6.

Miss. Code Ann. § 97-3-19(2)(a) and § 97-3-37(1).

*Practice Note: Element five contained in brackets should be used if the defendant has alleged self-defense.

2711 Defendant is Under a Life Sentence

[Name of defendant] is charged in count ____ with capital murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully and with deliberate design killed [name of victim], a human being, by _____ [describe defendant's alleged actions];

OR

2B. Although [name of defendant] did not have a premeditated design to kill [name of victim], [name of defendant] unlawfully and with a depraved heart killed [name of victim], a human being, by _____ [describe defendant's alleged actions]; and

3A. When [name of defendant] unlawfully and with deliberate design killed [name of victim], [name of defendant] was [serving/under] a life sentence;

OR

3B. When [name of defendant] unlawfully and with a depraved heart killed [name of victim], [name of defendant] was [serving/under] a life sentence, [and

4. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

In this instruction, “depraved heart” means a person acts in a highly dangerous way which shows that [he/she] does not care for the safety of human life. Even if someone does not intend to kill a particular person, [he/she] can still be guilty of murder if [he/she] acts with a depraved heart, and a person is killed as a result.

Sources

Mississippi Model Jury Instruction - Criminal 8:7.

Miss. Code Ann. § 97-3-19(2)(b) and § 97-3-37(1).

*Practice Note: Element four contained in brackets should be used if the defendant has alleged self-defense.

2712 Using or Setting off a Bomb or Explosive Device

[Name of defendant] is charged in count ____ with capital murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully and with deliberate design killed [name of victim], a human being, by [using/detonating/setting off] a bomb or explosive device;

OR

2B. Although [name of defendant] did not have a premeditated design to kill [name of victim], [name of defendant] unlawfully and with a depraved heart killed [name of victim], a human being, by [using/detonating/setting off] a bomb or explosive device, [and

3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

In this instruction, “depraved heart” means a person acts in a highly dangerous way which shows that [he/she] does not care for the safety of human life. Even if someone does not intend to kill a particular person, [he/she] can still be guilty of murder if [he/she] acts with a depraved heart, and a person is killed as a result.

Sources

Mississippi Model Jury Instruction - Criminal 8:8.

Miss. Code Ann. § 97-3-19(2)(c) and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2713 Defendant Was Offered or Received Something of Value for Committing Murder

[Name of defendant] is charged in count _____ with capital murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was unlawfully offered or unlawfully received something of value to kill [name of victim]; and
- 3A. [Name of defendant] unlawfully and with deliberate design killed [name of victim], a human being, by _____ [describe defendant's alleged actions];

OR

- 3B. Although [name of defendant] did not have a premeditated design to kill [name of victim], [name of defendant] unlawfully and with a depraved heart killed [name of victim], a human being, by _____ [describe defendant's alleged actions]; [and
4. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another

person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

In this instruction, “depraved heart” means a person acts in a highly dangerous way which shows that [he/she] does not care for the safety of human life. Even if someone does not intend to kill a particular person, [he/she] can still be guilty of murder if [he/she] acts with a depraved heart, and a person is killed as a result.

Sources

Mississippi Model Jury Instruction - Criminal 8:9.

Miss. Code Ann. § 97-3-19(2)(d) and § 97-3-37(1).

*Practice Note: Element four contained in brackets should be used if the defendant has alleged self-defense.

2714 While Committing a Felony

[Name of defendant] is charged in count ____ with capital murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. While [name of defendant] was [committing/attempting to commit] _____

[specify felony listed in § 97-3-19(2)(e)] by:

- A. [Elements of felony];
- B. [Elements of felony]; and
- C. [Elements of felony],

[name of defendant] unlawfully and with or without deliberate design killed [name of victim], a

human being, by _____ [describe defendant's alleged actions], [and

3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

Sources

Mississippi Model Jury Instruction - Criminal 8:10.

Miss. Code Ann. § 97-3-19(2)(e) and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2715 While Committing a Felony - Child Abuse or Battery

[Name of defendant] is charged in count _____ with capital murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. While [name of defendant] was [committing/attempting to commit] _____

[specify felony listed in § 97-3-19(2)(f)] by:

- A. [Elements of felony];
- B. [Elements of felony]; and
- C. [Elements of felony],

[name of defendant] unlawfully and with or without deliberate design killed [name of victim], a human being, by _____ [describe defendant's alleged actions], [and

3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

Sources

Mississippi Model Jury Instruction - Criminal 8:11.

Miss. Code Ann. § 97-3-19(2)(f) and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2716 Killing on Educational Property

[Name of defendant] is charged in count ____ with capital murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully and with deliberate design killed [name of victim], a human being, by _____ [describe defendant's alleged actions], while on educational property;

OR

2B. Although [name of defendant] did not have a premeditated design to kill [name of victim], [name of defendant] unlawfully and with a depraved heart killed [name of victim], a human being, by _____ [describe defendant's alleged actions], while on educational property, [and

3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

In this instruction, “depraved heart” means a person acts in a highly dangerous way which shows that [he/she] does not care for the safety of human life. Even if someone does not intend to

kill a particular person, [he/she] can still be guilty of murder if [he/she] acts with a depraved heart, and a person is killed as a result.

In this instruction, “educational property” means a public or private school building, bus, campus, grounds, recreational area, athletic field, or other property owned by a local school board, school, college, or university.

Sources

Mississippi Model Jury Instruction - Criminal 8:12.

Miss. Code Ann. § 97-3-19(2)(g) and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2717 Killing an Elected Official

[Name of defendant] is charged in count ____ with capital murder.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully and with deliberate design killed [name of victim], a human being, by _____ [describe defendant’s alleged actions];

OR

- 2B. Although [name of defendant] did not have a premeditated design to kill [name of victim], [name of defendant] unlawfully and with a depraved heart killed [name of victim], a human being, by _____ [describe defendant’s alleged actions]; and

3. [Name of victim] was a county, municipal, state, or federal elected official; and

- 4A. When [name of defendant] unlawfully and with deliberate design killed [name of victim],

[name of defendant] knew [name of victim] was a county, municipal, state, or federal elected official;

OR

4B. When [name of defendant] unlawfully and with a depraved heart killed [name of victim], [name of defendant] knew [name of victim] was a county, municipal, state, or federal elected official, [and

5. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

In this instruction, “depraved heart” means a person acts in a highly dangerous way which shows that [he/she] does not care for the safety of human life. Even if someone does not intend to kill a particular person, [he/she] can still be guilty of murder if [he/she] acts with a depraved heart, and a person is killed as a result.

Sources

Mississippi Model Jury Instruction - Criminal 8:13.

Miss. Code Ann. § 97-3-19(2)(h).

*Practice Note: Element five contained in brackets should be used if the defendant has alleged self-defense.

D. Manslaughter Instructions

2718 While Committing a Felony - Without Deliberate Design

[Name of defendant] is charged in count ____ with manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. While [name of defendant] was [committing/attempting to commit] _____ [list felony pursuant to § 97-3-27] by:

A. [Elements of felony];

B. [Elements of felony]; and

C. [Elements of felony],

[name of defendant] unlawfully and without deliberate design killed [name of victim], a human being, by _____ [describe defendant's alleged actions], [and

3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another

person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

Sources

Mississippi Model Jury Instruction - Criminal 8:14.

Miss. Code Ann. § 97-3-27 and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2719 While Committing a Felony - With Culpable Negligence

[Name of defendant] is charged in count ___ with manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. While [name of defendant] was [committing/attempting to commit] _____ [list felony pursuant to § 97-3-27] by:
 - A. [Elements of felony];
 - B. [Elements of felony]; and
 - C. [Elements of felony],

[name of defendant] unlawfully and with culpable negligence killed [name of victim], a human being, by _____ [describe defendant's alleged actions], [and

3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “culpable negligence” means negligence of a degree so great as to be equal to a complete disregard or indifference to the safety of human life. Negligence is doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Mississippi Model Jury Instruction - Criminal 8:14.

Miss. Code Ann. § 97-3-27 and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2720 While Committing a Misdemeanor - Without Deliberate Design

[Name of defendant] is charged in count ____ with manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. While [name of defendant] was [committing/attempting to commit] _____ [list misdemeanor pursuant to § 97-3-29] by:

A. [Elements of misdemeanor];

B. [Elements of misdemeanor]; and

C. [Elements of misdemeanor],

[name of defendant] unlawfully and without deliberate design killed [name of victim], a human

being, by _____ [describe defendant's alleged actions], [and

3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

Sources

Mississippi Model Jury Instruction - Criminal 8:14.

Miss. Code Ann. § 97-3-29 and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2721 While Committing a Misdemeanor - With Culpable Negligence

[Name of defendant] is charged in count ____ with manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. While [name of defendant] was [committing/attempting to commit] _____ [list misdemeanor pursuant to § 97-3-29] by:

- A. [Elements of misdemeanor];
- B. [Elements of misdemeanor]; and
- C. [Elements of misdemeanor],

[name of defendant] unlawfully and with culpable negligence killed [name of victim], a human being, by _____ [describe defendant's alleged actions], [and

3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “culpable negligence” means negligence of a degree so great as to be equal to a complete disregard or indifference to the safety of human life. Negligence is doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Mississippi Model Jury Instruction - Criminal 8:14.

Miss. Code Ann. § 97-3-29 and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2722 While Resisting an Unlawful Act

[Name of defendant] is charged in count ____ with manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. While [name of defendant] was resisting _____ [describe unlawful act pursuant to § 97-3-31], [name of defendant] unlawfully and unnecessarily killed [name of victim], a human being, by _____ [describe defendant's alleged actions], [and
 - [3. [Name of defendant] was not acting in self-defense,]*
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 8:16.

Miss. Code Ann. § 97-3-31.

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2723 While Victim Was Trespassing

[Name of defendant] is charged in count ____ with manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. While [name of victim] was trespassing on _____ [describe property or act of trespassing pursuant to § 97-3-33], [name of defendant] unlawfully and involuntarily killed [name of victim], a human being, by _____ [describe defendant's alleged actions];

OR

2B. While [name of victim] was trespassing on _____ [describe property or act of trespassing pursuant to § 97-3-33], [name of defendant] unlawfully and with culpable negligence killed [name of victim], a human being, by _____ [describe defendant's alleged actions], [and

[3. [Name of defendant] was not acting in self-defense,]*

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “culpable negligence” means negligence of a degree so great as to be equal to a complete disregard or indifference to the safety of human life. Negligence is doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Mississippi Model Jury Instruction - Criminal 8:17.

Miss. Code Ann. § 97-3-33 and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2724 Heat of Passion

[Name of defendant] is charged in count _____ with manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully and without deliberate design killed [name of victim], a human being in the heat of passion:

A. In a cruel or unusual manner by _____ [describe defendant's alleged actions]; or

B. By using a deadly weapon to _____ [describe defendant's alleged actions]; and

3. [Name of defendant] was not acting in self-defense,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

In this instruction, “heat of passion” means a person acts in a state of violent and uncontrollable rage. The person must have been provoked into acting in such a manner by some act(s) or word(s) which would reasonably lead to an angry, hateful, resentful, or terrified emotional state of mind.

Sources

Mississippi Model Jury Instruction - Criminal 8:18.

Miss. Code Ann. § 97-3-35 and § 97-3-37(1).

2725 Overloading a Boat

[Name of defendant] is charged in count ____ with manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [operated/navigated] a boat for [money/gain];
- 3A. [Name of defendant] [intentionally/willfully] and unlawfully [received/took] on too many passengers or goods onto the boat, which caused the boat to sink or overturn;

OR

- 3B. [Name of defendant] negligently and unlawfully [received/took] on too many passengers or goods onto the boat, which caused the boat to sink or overturn; and
4. As a result of the boat sinking or overturning, [name of victim] drowned or was killed, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-3-41.

2726 Death by a Dangerous Animal

[Name of defendant] is charged in count ____ with manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] owned [a/an] _____ [specify animal], a [dangerous/mischievous] animal, knowing that it was a [dangerous/mischievous] animal; and
3. [Name of defendant] [intentionally/willfully]:
 - A. Allowed the [dangerous/mischievous] animal to roam free; or
 - B. Did not take reasonable steps to confine the animal; and
4. While the animal was _____ [specify (1) roaming free or (2) not confined], the animal killed [name of victim], a human being, who acted reasonably to avoid the animal, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 8:19.

Miss. Code Ann. § 97-3-45 and § 97-3-37(1).

2727 Culpable Negligence

[Name of defendant] is charged in count ____ with manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully and with culpable negligence killed [name of victim], a human being, by _____ [describe defendant's alleged actions], [and
 3. [Name of defendant] was not acting in self-defense,]*
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “culpable negligence” means negligence of a degree so great as to be equal to a complete disregard or indifference to the safety of human life. Negligence is doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Mississippi Model Jury Instruction - Criminal 8:20.

Miss. Code Ann. § 97-3-47 and § 97-3-37(1).

*Practice Note: Element three contained in brackets should be used if the defendant has alleged self-defense.

2728 Lesser-Included Offense of Manslaughter to Murder

If you find that the State did not prove any one of the elements of murder, then you must find [name of defendant] not guilty of murder. You will then proceed with your deliberations to decide whether the State has proved beyond a reasonable doubt all of the elements of the lesser crime of manslaughter.

If you find beyond a reasonable doubt from the evidence in this case that:

- A. [Elements of felony];
- B. [Elements of felony]; and
- C. [Elements of felony],

then you shall find [name of defendant] guilty of manslaughter.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of manslaughter.

Sources

Mississippi Model Jury Instruction - Criminal 8:21.

E. Sexual Crimes Against the Person

2729 Statutory Rape - Victim at Least 14 Years Old but Less Than 16 Years Old

[Name of defendant] is charged in count ____ with statutory rape.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was 17 years old or older; and
3. [Name of defendant] unlawfully had sexual intercourse with [name of victim]; and
4. When [name of defendant] unlawfully had sexual intercourse with [name of victim], [name of victim] was:
 - A. At least 14 years old but less than 16 years old; and
 - B. Thirty-six (36) or more months younger than [name of defendant]; and
 - C. Not [name of defendant]'s spouse,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “sexual intercourse” means any penetration of the vagina or genitalia by the defendant's penis or any penetration of the genitalia, anus, or perineum by the defendant’s penis or an object.

Sources

Mississippi Model Jury Instruction - Criminal 8:32.

Miss. Code Ann. § 97-3-65(1)(a).

2730 Statutory Rape - Victim Less Than 14 Years Old

[Name of defendant] is charged in count ____ with statutory rape.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was ____ years old or older; and
3. [Name of defendant] unlawfully had sexual intercourse with [name of victim]; and
4. When [name of defendant] unlawfully had sexual intercourse with [name of victim], [name of victim] was:
 - A. Less than 14 years old; and
 - B. Twenty-four (24) or more months younger than [name of defendant]; and
 - C. Not [name of defendant]’s spouse,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “sexual intercourse” means any penetration of the vagina or genitalia by the defendant's penis or any penetration of the genitalia, anus, or perineum by the defendant’s penis or an object.

Sources

Mississippi Model Jury Instruction - Criminal 8:34.

Miss. Code Ann. § 97-3-65(1)(b).

2731 Sexual Battery - Without Consent

[Name of defendant] is charged in count ____ with sexual battery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully engaged in sexual penetration with [name of victim] without [name of victim]’s consent,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “sexual penetration” means any touching or penetrating a person’s anal, genital, or oral openings by the defendant or by the defendant inserting an object into a person’s anal, genital, or oral openings.

Sources

Mississippi Model Jury Instruction - Criminal 9:13.

Miss. Code Ann. § 97-3-95(1)(a).

2732 Sexual Battery - Victim is Mentally or Physically Incapacitated

[Name of defendant] is charged in count ____ with sexual battery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] engaged in sexual penetration with [name of victim]; and
 3. [Name of victim] is a _____ [specify (1) mentally defective, (2) mentally incapacitated, or (3) physically helpless] person,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “sexual penetration” means any touching or penetrating a person’s anal, genital, or oral openings by the defendant or by the defendant inserting an object into a person’s anal, genital, or oral openings.

In this instruction, “mentally defective person” means a person who suffers from a mental disease, defect, or condition which makes [him/her] temporarily or permanently unable of understanding [his/her] conduct.

In this instruction, “mentally incapacitated person” means a person who is unable to know or control [his/her] conduct, or is unable to resist an act due to the effects of a drug, narcotic, anesthetic, or other substance given to that person without [his/her] consent.

In this instruction, “physically helpless person” means a person who is unconscious or unable to communicate that [he/she] is not willing to engage in an act.

Sources

Mississippi Model Jury Instruction - Criminal 9:13.

Miss. Code Ann. § 97-3-95(1)(b).

2733 Sexual Battery - Victim at Least 14 Years Old but Less Than 16 Years Old

[Name of defendant] is charged in count ____ with sexual battery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was ____ years old or older; and
3. [Name of defendant] unlawfully engaged in sexual penetration with [name of victim]; and
4. When [name of defendant] unlawfully engaged in sexual penetration with [name of victim]:
 - A. [Name of defendant] was 36 or more months older than [name of victim]; and
 - B. [Name of victim] was at least 14 years old but less than 16 years old,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “sexual penetration” means any touching or penetrating a person’s anal, genital, or oral openings by the defendant or by the defendant inserting an object into a person’s anal, genital, or oral openings.

Sources

Mississippi Model Jury Instruction - Criminal 9:13.

Miss. Code Ann. § 97-3-95(1)(c).

2734 Sexual Battery - Victim Less Than 14 Years Old

[Name of defendant] is charged in count ____ with sexual battery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was ___ years old or older; and
3. [Name of defendant] unlawfully engaged in sexual penetration with [name of victim]; and
4. When [name of defendant] unlawfully engaged in sexual penetration with [name of victim]:
 - A. [Name of defendant] was 24 or more months older than [name of victim]; and
 - B. [Name of victim] was less than 14 years old,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “sexual penetration” means any touching or penetrating a person’s anal, genital, or oral openings by the defendant or by the defendant inserting an object into a person’s anal, genital, or oral openings.

Sources

Mississippi Model Jury Instruction - Criminal 9:13.

Miss. Code Ann. § 97-3-95(1)(d).

2735 Sexual Battery - Victim Less Than 18 Years Old - By a Person of Trust

[Name of defendant] is charged in count ____ with sexual battery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully engaged in sexual penetration with [name of victim]; and
3. When [name of defendant] unlawfully engaged in sexual penetration with [name of victim]:
 - A. [Name of defendant] was [a/an] _____ [specify child's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader, or coach]; and
 - B. [Name of victim] was less than 18 years old,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “sexual penetration” means any touching or penetrating a person’s anal, genital, or oral openings by the defendant or by the defendant inserting an object into a person’s anal, genital, or oral openings.

Sources

Mississippi Model Jury Instruction - Criminal 9:13.

Miss. Code Ann. § 97-3-95(2).

F. Other Crimes Against the Person

2736 Assisting a Person to Commit Suicide

[Name of defendant] is charged in count ____ with assisting a person commit (or attempt to commit) suicide.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully] [advised/aided/assisted/encouraged/helped] [name of victim] [commit/attempt to commit] suicide by _____
[describe the defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-3-49.

2737 Taking a Child out of the State or Keeping a Child from Entering the State - Violating a Court Order

[Name of defendant] is charged in count ____ with unlawfully taking a child less than 14 years old out of the State of Mississippi or with keeping a child less than 14 years old from entering the State of Mississippi.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of child] was less than 14 years old; and

3. There was a court order giving custody of [name of child] to [name of person]; and
4. [Name of defendant] was [name of child]'s non-custodial parent or relative; and
5. [Name of defendant] unlawfully _____ [specify (1) took [name of child] out of the State of Mississippi or (2) kept [name of child] from entering the State of Mississippi], intending to violate the court order giving custody of [name of child] to [name of person],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-51.

2738 Selling, Buying, or Offering to Sell or Buy a Child

[Name of defendant] is charged in count ___ with selling, buying, offering to sell, or offering to buy a child or unborn child.

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [sold/bought/offered to sell/offered to buy] [a/an] [child/unborn child] by _____ [describe the defendant's alleged actions],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-52.

2739 Kidnapping - Victim Seized and Confined

[Name of defendant] is charged in count _____ with kidnapping.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. With or without the intent to secretly confine, [name of defendant] unlawfully [seized/took] [name of victim] by using force and [confined/hid/imprisoned] [name of victim] by _____ [describe defendant’s alleged actions],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 8:23.

Miss. Code Ann. § 97-3-53.

2740 Kidnapping - With the Intent to Confine Victim Against Will

[Name of defendant] is charged in count ____ with kidnapping.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully [kidnapped/lured/took] [name of victim] by using force to _____ [describe defendant’s alleged actions], intending to [confine/imprison] [name of victim] against [his/her] will,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 8:23.

Miss. Code Ann. § 97-3-53.

2741 Kidnapping - Victim under 16 Years Old

[Name of defendant] is charged in count ____ with kidnapping.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [kidnapped/lured/took] [name of victim] by using force to _____ [describe defendant's alleged actions] against the will of [name(s) of parent(s), guardian(s), or other person], who had legal custody of the victim; and
3. When [name of defendant] unlawfully [kidnapped/lured/took] [name of victim], [name of victim] was less than 16 years old,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 8:29.

Miss. Code Ann. § 97-3-53.

2742 Kidnapping - Vulnerable Person

[Name of defendant] is charged in count ____ with kidnapping.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about _____ [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully [kidnapped/lured/took] [name of victim] by using force or a trick to _____ [describe defendant's alleged actions]; and
 3. When [name of defendant] unlawfully [kidnapped/lured/took] [name of victim], [name of victim] was a vulnerable adult,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “vulnerable adult” means that [he/she] is not able to lead a normal daily life or is not able to take care of [himself/herself] or protect [himself/herself] from abuse or neglect due to a mental, emotional, physical, or developmental state, or as a result of brain damage, or as a result of aging.

Sources

Miss. Code Ann. § 97-3-53.

2743 Mayhem

[Name of defendant] is charged in count _____ with mayhem.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] intentionally and unlawfully [mutilated/disfigured/destroyed] [name of

victim]'s _____ [specify tongue, eye, lip, nose, limb, or other body part], intending to kill, or with premeditated design, by _____ [describe defendant's alleged actions];

OR

2B. [Name of defendant] unlawfully [mutilated/disfigured/destroyed] [name of victim]'s _____ [specify tongue, eye, lip, nose, limb, or other body part], intending to commit a felony, by _____ [describe defendant's alleged actions], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-59.

2744 Poisoning Food Intending to Kill or Injure

[Name of defendant] is charged in count _____ with poisoning [food/drink/medicine] intending to kill or injure.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully put poison in [name of victim]'s [food/drink/medicine], intending to kill or injure [name of victim],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-61.

2745 Poisoning Food Intending to Kill or Injure - Victim Did Not Die

[Name of defendant] is charged in count _____ with poisoning a person's [food/drink/medicine] intending to kill or injure.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully put poison in [name of victim]'s [food/drink/medicine], intending to kill or injure; and
 3. [Name of victim] [ate/consumed/drank] the poison but did not die as a result of [name of defendant] putting poison in [name of victim]'s [food/drink/medicine],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-61 and § 97-3-63.

2746 Poisoning Water Intending to Kill or Injure

[Name of defendant] is charged in count _____ with poisoning water intending to kill or injure.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully put poison in a water well, spring, or water reservoir,

intending to kill or injure a human being,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-61.

2747 Poisoning Water Intending to Kill or Injure - Victim Did Not Die

[Name of defendant] is charged in count ____ with poisoning water intending to kill or injure.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully put poison in a water well, spring, or water reservoir, intending to kill or injure a human being; and
 3. [Name of victim] [consumed/drank] the poison but did not die as a result of [name of defendant] putting poison in the water well, spring, or water reservoir,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-61 and § 97-3-63.

2748 Robbery - By Violence or Fear of Injury

[Name of defendant] is charged in count ____ with robbery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully took [name of owner]'s _____ [describe the personal property] against [name of owner]'s will, intending to permanently keep the _____ [describe the personal property]; and

3. [Name of defendant] unlawfully took the _____ [describe the personal property] from [name of owner]'s [body/person] or from [his/her] presence:
 - A. By using violence to _____ [describe defendant's alleged actions]; or

 - B. By putting [name of owner] in fear of immediate injury,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 8:35.

Miss. Code Ann. § 97-3-73.

Croft v. State, 992 So. 2d 1151, 1158 (Miss. 2008) (citations omitted) (Robbery is a specific intent crime; as such, the State is required to prove that the defendant took the personal property of another with the intent to permanently deprive that person of his property. Thus, felonious intent means the intent to steal. The issue of felonious intent is one of fact, and therefore falls within the exclusive province of the jury.).

2749 Robbery - By Threats to the Owner or a Family Member

[Name of defendant] is charged in count ____ with robbery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully took [name of owner]'s _____ [describe the personal property], intending to permanently keep the _____ [describe the personal property]; and
 3. [Name of defendant] unlawfully took the _____ [describe the personal property] from [name of owner]'s body or from [his/her] presence by threatening to [harm/hurt/injure] _____ [specify (1) [name of owner], or (2) [name of owner]'s property, or (3) [name of person threatened], who [is/was] [name of owner]'s family member or relative] at a later time,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 8:36.

Miss. Code Ann. § 97-3-77.

Croft v. State, 992 So. 2d 1151, 1158 (Miss. 2008) (citations omitted) (Robbery is a specific intent crime; as such, the State is required to prove that the defendant took the personal property of another with the intent to permanently deprive that person of his property. Thus, felonious intent means the intent to steal. The issue of felonious intent is one of fact, and therefore falls

within the exclusive province of the jury.).

2750 Robbery - By Using a Deadly Weapon

[Name of defendant] is charged in count ____ with robbery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [took/attempted to take] [name of owner]'s _____ [describe the personal property] against [his/her] will, intending to permanently keep the _____ [describe the personal property]; and
3. [Name of defendant] unlawfully [took/attempted to take] the _____ [describe the personal property] from [name of owner]'s [body/person] or from [his/her] presence:

A. By [showing/exhibiting] a deadly weapon and using violence to _____ [describe defendant's alleged actions]; or

B. By [showing/exhibiting] a deadly weapon to put [name of owner] in fear of immediate injury,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Mississippi Model Jury Instruction - Criminal 8:37.

Miss. Code Ann. § 97-3-79.

Croft v. State, 992 So. 2d 1151, 1158 (Miss. 2008) (citations omitted) (Robbery is a specific intent crime; as such, the State is required to prove that the defendant took the personal property of another with the intent to permanently deprive that person of his property. Thus, felonious intent means the intent to steal. The issue of felonious intent is one of fact, and therefore falls within the exclusive province of the jury.).

2751 Extortion

[Name of defendant] is charged in count ____ with extortion.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/purposely] and unlawfully [got/obtained/attempted to get/attempted to obtain] [a/an] _____ [specify property, reward, favor, or advantage], which [was/were] valued at \$500.00 or more by:

A. Threatening to [harm/hurt/injure] someone; or

B. Committing a crime; or

C. Threatening to commit a crime or violate a civil statute; or

D. Revealing unknown information about [name of person], intending to embarrass or humiliate [name of person]; or

E. Threatening to reveal unknown information about [name of person], intending to embarrass or humiliate [name of person],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “[obtain/get]” means to bring about a transfer or supposed transfer of a legal interest in property; physical possession of property; a reward or favor; or an advantage of some kind in [labor/work] or service.

In this instruction, “property” means something of value, including real estate; personal property; contract rights; the reputation of a person; other interests in or claims to wealth; admission or transportation tickets; captured or domestic animals; food and drink; electric or other power.

Sources

Miss. Code Ann. § 97-3-82(2).

2752 Extortion by a Public Official

[Name of defendant] is charged in count ____ with extortion.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a public official acting in [his/her] official capacity; and
3. [Name of defendant] [intentionally/purposely] and unlawfully [got/obtained/attempted to get/attempted to obtain] [a/an] _____ [specify property, reward, favor, or advantage] by:

- A. Threatening to [harm/hurt/injure] someone; or
- B. Committing a crime or violating a civil statute; or
- C. Threatening to commit a crime; or
- D. Revealing unknown information about [name of person], intending to embarrass or humiliate [name of person]; or
- E. Threatening to reveal unknown information about [name of person], intending to embarrass or humiliate [name of person],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “public official” means a person elected or appointed to any office, position, or employment where that person is paid a fee or salary by the State of Mississippi or a political subdivision thereof, or an agency or subdivision of the government of the United States.

In this instruction, “[obtain/get]” means to bring about a transfer or supposed transfer of a legal interest in property; physical possession of property; a reward or favor; or an advantage of some kind in [labor/work] or service.

In this instruction, “property” means something of value, including real estate; personal property; contract rights; the reputation of a person; other interests in or claims to wealth; admission or transportation tickets; captured or domestic animals; food and drink; electric or other power.

Sources

Miss. Code Ann. § 97-3-82(3)(d).

2753 Sexual Activity Between a Law Enforcement Officer and a Prisoner

[Name of defendant] is charged in count ____ with having sexual activity with a prisoner.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was a _____ [specify the defendant's law enforcement position as listed in § 97-3-104(1)]; and
 3. [Name of defendant] unlawfully engaged in sexual penetration or another sexual act with [name of victim], who consented to the sexual penetration or sexual activity; and
 4. When [name of defendant] unlawfully engaged in sexual penetration or another sexual act with [name of victim], [name of victim] was _____ [specify (1) a prisoner in _____ [specify jail or correctional facility] or (2) serving probation, parole, earned-release supervision, post-release supervision, earned probation, intensive supervision, or other correctional supervision],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, "sexual penetration" means any touching or penetrating a person's anal, genital, or oral openings by the defendant or by the defendant inserting an object into a

person's anal, genital, or oral openings.

Sources

Miss. Code Ann. § 97-3-104(1).

2754 Sexual Activity Between a Person With Authority Over a Prisoner and a Prisoner

[Name of defendant] is charged in count ____ with having sexual activity with a prisoner.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was a _____ [specify the defendant's civilian position with authority over the prisoner as listed in § 97-3-104(2)]; and
 3. [Name of defendant] unlawfully engaged in sexual penetration or another sexual act with [name of victim], who consented to the sexual penetration or sexual activity; and
 4. When [name of defendant] unlawfully engaged in sexual penetration or another sexual act with [name of victim], [name of victim] was _____ [specify (1) a prisoner in _____ [specify jail or correctional facility] or (2) serving probation, parole, earned-release supervision, post-release supervision, earned probation, intensive supervision, or other correctional supervision],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, "sexual penetration" means any touching or penetrating a person's

anal, genital, or oral openings by the defendant or by the defendant inserting an object into a person's anal, genital, or oral openings.

Sources

Miss. Code Ann. § 97-3-104(2).

2755 Hazing - First Degree

[Name of defendant] is charged in count _____ with hazing.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. During [name of victim]'s initiation into _____ [specify organization], [name of defendant] intentionally and unlawfully acted in a way that created a high risk of bodily injury to [name of victim] by _____ [describe the defendant's alleged actions];

OR

- 2B. During [name of victim]'s initiation into _____ [specify organization], [name of defendant] recklessly and unlawfully acted in a way that created a high risk of bodily injury to [name of victim] by _____ [describe the defendant's alleged actions];
- and

3. [Name of victim] was injured,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-105(1).

2756 Hazing - Second Degree

[Name of defendant] is charged in count ____ with hazing.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
- 2A. During [name of person]’s initiation into _____ [specify organization], [name of defendant] intentionally and unlawfully acted in a way that created a high risk of bodily injury to someone by _____ [describe the defendant’s alleged actions];

OR

- 2B. During [name of person]’s initiation into _____ [specify organization], [name of defendant] recklessly and unlawfully acted in a way that created a high risk of bodily injury to someone by _____ [describe the defendant’s alleged actions], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-105(3).

2757 Stalking

[Name of defendant] is charged in count ____ with stalking.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date(s) of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/purposely] and unlawfully _____ [describe defendant’s alleged actions] towards [name of

victim];

OR

2B. [Name of defendant] credibly and unlawfully threatened [name of victim];

OR

2C. [Name of defendant] [intentionally/purposely] and unlawfully

_____ [describe defendant's alleged actions] towards [name of victim], which would make a reasonable person fear for [his/her] own safety, or for the safety of another person, or fear harm or damage to [his/her] property, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-107(1)(a).

2758 Stalking - Aggravated

[Name of defendant] is charged in count ____ with aggravated stalking.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date(s) of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/purposely] and unlawfully

_____ [describe defendant's alleged course of conduct] towards [name of victim];

OR

2B. [Name of defendant] credibly and unlawfully threatened [name of victim];

OR

2C. [Name of defendant] _____ [describe defendant's alleged actions] towards [name of victim], which would make a reasonable person fear for [his/her] own safety, or for the safety of another person, or fear harm or damage to [his/her] property; and

3A. When [name of defendant] _____ [describe defendant's alleged actions], [he/she] unlawfully [displayed/showed/used] a deadly weapon, intending to make [name of victim] reasonably fear death or being injured or someone else being injured;

OR

3B. [Name of defendant] was previously convicted of _____ [specify violation of § 97-3-107] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction], which is within seven (7) years of _____ [date(s) of alleged crime];

OR

3C. When [name of defendant] _____ [describe defendant's alleged actions], [he/she] was required to be registered as a sex offender pursuant to _____ [specify state, federal, military, or tribal law requiring the defendant to be registered] and [name of victim] was less than 18 years old, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-107(2)(a).

2759 Drive-By Shooting - Attempting Serious Bodily Injury

[Name of defendant] is charged in count _____ with a drive-by shooting.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully attempted to seriously injure [name of victim] by shooting a firearm while in or on a vehicle; and
 3. [Name of defendant] was not acting in self-defense,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-109(1).

2760 Drive-By Shooting - Intentionally Causing Serious Bodily Injury

[Name of defendant] is charged in count _____ with a drive-by shooting.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/knowingly/purposely] and unlawfully caused serious bodily injury to [name of victim] by shooting a firearm while in or on a vehicle,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-109(1).

2761 Drive-By Shooting - Recklessly Causing Serious Bodily Injury

[Name of defendant] is charged in count _____ with a drive-by shooting.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] recklessly and unlawfully caused serious bodily injury to [name of victim] by shooting a firearm while in or on a vehicle,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-109(1).

2762 Drive-By Bombing - Attempting Serious Bodily Injury

[Name of defendant] is charged in count ____ with a drive-by bombing.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. While in or on a vehicle, [name of defendant] unlawfully attempted to seriously injure [name of victim] by throwing a bomb or explosive device from the vehicle,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-109(2).

2763 Drive-By Bombing - Intentionally Causing Serious Bodily Injury

[Name of defendant] is charged in count _____ with a drive-by bombing.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. While in or on a vehicle, [name of defendant] intentionally and unlawfully caused serious bodily injury to [name of victim] by throwing a bomb or explosive device from the vehicle, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-109(2).

2764 Drive-By Bombing - Recklessly Causing Serious Bodily Injury

[Name of defendant] is charged in count _____ with a drive-by bombing.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. While in or on a vehicle, [name of defendant] recklessly and unlawfully caused serious bodily injury to [name of victim] by throwing a bomb or explosive device from the vehicle, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-109(2).

2765 Drive-By Bombing - Attempting to Cause Damage to Another's Property

[Name of defendant] is charged in count _____ with a drive-by bombing.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. While in or on a vehicle, [name of defendant] unlawfully attempted to cause damage to [name of victim]'s property by throwing a bomb or explosive device from the vehicle,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-109(2).

2766 Drive-By Bombing - Intentionally Causing Damage to Another's Property

[Name of defendant] is charged in count _____ with a drive-by bombing.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. While in or on a vehicle, [name of defendant] intentionally and unlawfully caused damage to [name of victim]'s property by throwing a bomb or explosive device from the vehicle,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-109(2).

2767 Drive-By Bombing - Recklessly Causing Damage to Another's Property

[Name of defendant] is charged in count _____ with drive-by bombing.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. While in or on a vehicle, [name of defendant] recklessly and unlawfully caused damage to [name of victim]'s property by throwing a bomb or explosive device from the vehicle, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-3-109(2).

2768 Carjacking

[Name of defendant] is charged in count _____ with carjacking.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/knowingly] and unlawfully took a motor vehicle from [name of victim]'s immediate actual possession;

OR

- 2B. [Name of defendant] recklessly and unlawfully took a motor vehicle from [name of victim]'s immediate actual possession:

A. By using force or violence to _____ [describe defendant's alleged

actions]; or

B. By _____ [describe defendant's alleged actions], whether [name of victim] resisted or whether [name of defendant] suddenly or secretly took the motor vehicle; or

C. By putting [name of victim] in fear by _____ [describe defendant's alleged actions]; or

D. By attempting to use force or violence or to suddenly or secretly take the motor vehicle or to put [name of victim] in fear by _____ [describe defendant's alleged actions]; or

E. By _____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 8:39.

Miss. Code Ann. § 97-3-117(1).

2769 Carjacking - While Armed or with a Deadly Weapon

[Name of defendant] is charged in count _____ with armed carjacking.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] was armed with [a/an] _____ [specify (1) pistol, (2)

firearm, (3) imitation pistol or firearm, (4) other dangerous or deadly weapon, including a sawed

off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switchblade, razor, blackjack, billy, or metallic or other false knuckles, or (5) other object which is capable or likely to produce death or serious bodily harm to another person];

OR

2B. [Name of defendant] had [a/an] _____ [specify (1) pistol, (2) firearm, (3) imitation pistol or firearm, (4) other dangerous or deadly weapon, including a sawed off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switchblade, razor, blackjack, billy, or metallic or other false knuckles, or (5) other object which is capable or likely to produce death or serious bodily harm to another person] [easily/readily] available; and

3A. [Name of defendant] [intentionally/knowingly] and unlawfully took a motor vehicle from [name of victim]'s immediate actual possession;

OR

3B. [Name of defendant] recklessly and unlawfully took a motor vehicle from [name of victim]'s immediate actual possession:

A. By using force or violence to _____ [describe defendant's alleged actions]; or

B. By _____ [describe defendant's alleged actions], whether [name of victim] resisted or whether [name of defendant] suddenly or secretly took the motor vehicle; or

C. By putting [name of victim] in fear by _____ [describe defendant's alleged actions]; or

D. By attempting to use force or violence or to suddenly or secretly take the motor vehicle

or to put [name of victim] in fear by _____ [describe defendant's alleged actions]; or

E. By _____ [describe defendant's alleged actions],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 8:40.

Miss. Code Ann. § 97-3-117(2).

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 28 Offenses Affecting Children

2800 Abandoning a Child less than 6 Years Old

[Name of defendant] is charged in count ____ with abandoning a child less than six (6) years old.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was the _____ [specify father, mother, or legal guardian, or person with whom the child confided] of [name of child]; and
 3. [Name of defendant] unlawfully left [name of child], who was less than six (6) years old, [at/in/on] _____ [specify the highway, street, field, house, outhouse, or other place], intending to abandon [name of child],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 9:1.

Miss. Code Ann. § 97-5-1.

2801 Deserting or Not Supporting a Child less than 18 Years Old

[Name of defendant] is charged in count ____ with deserting or not supporting a child less than 18 years old.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was the _____ [specify father or mother] of [name of child];
and
- 3A. [Name of defendant] unlawfully deserted [name of child], who was less than 18 years old;
OR
- 3B. [Name of defendant] [intentionally/willfully] and unlawfully neglected [name of child], who
was less than 18 years old;
OR
- 3C. [Name of defendant] [intentionally/willfully] and unlawfully refused to support [name of
child], who was less than 18 years old,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 9:2.

Miss. Code Ann. § 97-5-3 (1972).

**2802 Taking a Child less than 14 Years Old to Hide from Parents or for Marriage or
Prostitution**

[Name of defendant] is charged in count _____ with taking a child less than 14 years old to
hide from [his/her] parents or for marriage or prostitution.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] [intentionally/willfully/maliciously/fraudulently] took [name of child], who was less than 14 years old, intending to _____ [specify (1) hide the child from [his/her] parents or legal guardian; (2) marry the child; or (3) use the child for prostitution], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 9:3.

Miss. Code Ann. § 97-5-5.

2803 Touching a Child less than 16 Years Old to Satisfy Sexual Desires or Lust

[Name of defendant] is charged in count ____ with touching a child less than 16 years old in order to satisfy [his/her] sexual desires or lust.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was 18 years old or older; and
3. [Name of defendant] unlawfully [touched/handled/rubbed] [name of child], who was less than 16 years old, with [name of defendant]'s _____ [specify the part of the defendant's body used to touch the child], in order to satisfy [name of defendant]'s sexual desires or lust, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 9:5.

Miss. Code Ann. § 97-5-23(1).

2804 Touching a Mentally Defective, Mentally Incapacitated, or Physically Helpless Person to Satisfy Sexual Desires or Lust

[Name of defendant] is charged in count ____ with touching a mentally defective, mentally incapacitated, or physically helpless person in order to satisfy [his/her] sexual desires or lust.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was 18 years old or older; and
 3. [Name of defendant] unlawfully [touched/handled/rubbed] [name of victim] with [his/her] _____ [specify the part of the defendant's body used to touch the victim] in order to satisfy [name of defendant]'s sexual desires or lust; and
 4. When [name of defendant] unlawfully [touched/handled/rubbed] [name of victim] with [his/her] _____ [specify the part of the defendant's body used to touch the victim] in order to satisfy [name of defendant]'s sexual desires or lust, [name of victim] was a _____ [specify (1) mentally defective, (2) mentally incapacitated, or (3) physically helpless] person,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “mentally defective person” means a person who suffers from a mental disease, defect, or condition which makes [him/her] temporarily or permanently unable of understanding [his/her] conduct.

In this instruction, “mentally incapacitated person” means a person who is unable of knowing or controlling [his/her] conduct, or is unable to resist an act due to the effects of a drug, narcotic, anesthetic, or other substance given to that person without [his/her] consent.

In this instruction, “physically helpless person” means a person who is unconscious or unable to communicate that [he/she] is not willing to engage in an act.

Sources

Mississippi Model Jury Instruction - Criminal 9:5.

Miss. Code Ann. § 97-5-23(1).

See Miss. Code Ann. § 97-3-97.

2805 Touching a Child less than 18 Years Old to Satisfy Sexual Desires or Lust - By a Person of Trust

[Name of defendant] is charged in count ___ with touching a child less than 18 years old in order to satisfy [his/her] sexual desires or lust.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was 18 years old or older; and
3. [Name of defendant] unlawfully [touched/handled/rubbed] [name of child], who was less than 18 years old and was not [name of defendant]’s spouse, with [name of defendant]’s

_____ [specify the part of the defendant's body used to touch the child], in order to satisfy [name of defendant]'s sexual desires or lust; and

4. When [name of defendant] unlawfully [touched/handled/rubbed] [name of child] with [his/her]

_____ [specify the part of the defendant's body used to touch the child] in order to satisfy [name of defendant]'s sexual desires or lust, [name of defendant] was [name of child]'s

_____ [specify teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader, or coach],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 9:5.

Miss. Code Ann. § 97-5-23(2).

2806 Causing a Child less than 18 Years Old to Engage in Sexual Conduct

[Name of defendant] is charged in count ____ with causing a child less than 18 years old to engage in sexual conduct.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully [caused/asked/solicited] [name of child], who was less than 18 years old, to engage in actual or pretend sexual conduct in order to [film/record] [name of child]'s sexual conduct;

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully [allowed/permitted] [name of child], who was less than 18 years old, to engage in actual or pretend sexual conduct in order to [film/record] [name of child]’s sexual conduct, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “sexual conduct” means real or pretend (1) sexual intercourse, including genital to genital, oral to genital, anal to genital, or oral to anal intercourse, between people of the same or opposite sex; (2) bestiality; (3) masturbation; (4) sadistic or masochistic abuse; (5) sexually showing the genitals or pubic area of any person; or (6) sexually touching the genitals, pubic area, buttocks, anus, or breast.

Sources

Mississippi Model Jury Instructions - Criminal 9:10 and 9:11.

Miss. Code Ann. § 97-5-33(1).

2807 Photographing or Filming a Child less than 18 Years Old Engaged in Sexual Conduct

[Name of defendant] is charged in count ____ with photographing or filming a child less than 18 years old engaged in sexual conduct.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully [photographed/filmed/videotaped/recorded] a child, who was less than 18 years old and who was engaged in actual or pretend sexual conduct, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “sexual conduct” means real or pretend (1) sexual intercourse, including genital to genital, oral to genital, anal to genital, or oral to anal intercourse, between people of the same or opposite sex; (2) bestiality; (3) masturbation; (4) sadistic or masochistic abuse; (5) sexually showing the genitals or pubic area of any person; or (6) sexually touching the genitals, pubic area, buttocks, anus, or breast.

Sources

Mississippi Model Jury Instructions - Criminal 9:10 and 9:11.

Miss. Code Ann. § 97-5-33(2).

2808 Sending or Receiving Materials Which Depict a Child less than 18 Years Old Engaged in Sexual Conduct

[Name of defendant] is charged in count ____ with sending or receiving materials which depict a child less than 18 years old engaged in sexual conduct.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully

[sent/shipped/mailed/received/transmitted/transported] a _____ [specify photograph, drawing, film, videotape, or other depiction] of an actual child, who was less than 18 years old and who was engaged in sexual conduct, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “sexual conduct” means real or pretend (1) sexual intercourse, including genital to genital, oral to genital, anal to genital, or oral to anal intercourse, between people of the same or opposite sex; (2) bestiality; (3) masturbation; (4) sadistic or masochistic abuse; (5) sexually showing the genitals or pubic area of any person; or (6) sexually touching the genitals, pubic area, buttocks, anus, or breast.

Sources

Mississippi Model Jury Instructions - Criminal 9:10 and 9:11.

Miss. Code Ann. § 97-5-33(3).

2809 Receiving Materials Which Depict a Child less than 18 Years Old Engaged in Sexual Conduct Intending to Sell or Distribute

[Name of defendant] is charged in count ____ with receiving materials which depict a child less than 18 years old engaged in sexual conduct and intending to sell or distribute those materials.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully received a _____ [specify photograph, drawing, film, videotape, or other depiction] of an actual child, who was less than 18 years old and who was engaged in sexual conduct, intending to [distribute/distribute for sale/sell/attempt to sell], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “sexual conduct” means real or pretend (1) sexual intercourse, including genital to genital, oral to genital, anal to genital, or oral to anal intercourse, between people of the same or opposite sex; (2) bestiality; (3) masturbation; (4) sadistic or masochistic abuse; (5) sexually showing the genitals or pubic area of any person; or (6) sexually touching the genitals, pubic area, buttocks, anus, or breast.

Sources

Mississippi Model Jury Instructions - Criminal 9:10 and 9:11.

Miss. Code Ann. § 97-5-33(4).

2810 Possessing Materials Which Depict a Child less than 18 Years Old Engaged in Sexual Conduct

[Name of defendant] is charged in count _____ with possessing materials which depict a child less than 18 years old engaged in sexual conduct.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully possessed a _____ [specify photograph, drawing, film, videotape, or other depiction] of an actual child, who was less than 18 years old and who was engaged in sexual conduct,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “sexual conduct” means real or pretend (1) sexual intercourse, including genital to genital, oral to genital, anal to genital, or oral to anal intercourse, between people of the same or opposite sex; (2) bestiality; (3) masturbation; (4) sadistic or masochistic abuse; (5) sexually showing the genitals or pubic area of any person; or (6) sexually touching the genitals, pubic area, buttocks, anus, or breast.

Sources

Mississippi Model Jury Instructions - Criminal 9:10 and 9:11.

Miss. Code Ann. § 97-5-33(5).

2811 Enticing a Child less than 18 Years Old to Meet in Order to Engage in Sexual Conduct

[Name of defendant] is charged in count ____ with enticing a child less than 18 years old to meet in order to engage in sexual conduct.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully

[enticed/encouraged/persuaded/seduced/induced/solicited/asked/advised/coerced/ordered] [name of child], who was less than 18 years old, to meet [name of defendant], or another person, in order to engage in sexual conduct, by _____ [describe the defendant's alleged actions];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully

[enticed/encouraged/persuaded/seduced/induced/solicited/asked/advised/coerced/ordered] [name of person who defendant thought was a child], who [name of defendant] thought was a child less than 18 years old, to meet [name of defendant], or another person, in order to engage in sexual conduct, by _____ [describe the defendant's alleged actions], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, "sexual conduct" means real or pretend (1) sexual intercourse, including genital to genital, oral to genital, anal to genital, or oral to anal intercourse, between people of the same or opposite sex; (2) bestiality; (3) masturbation; (4) sadistic or masochistic abuse; (5) sexually showing the genitals or pubic area of any person; or (6) sexually touching the genitals, pubic area, buttocks, anus, or breast.

Sources

Mississippi Model Jury Instructions - Criminal 9:10 and 9:11.

Miss. Code Ann. § 97-5-33(6).

Shaffer v. State, 72 So. 3d 1070, 1071 (Miss. 2011).

2812 Enticing a Child less than 18 Years Old to Engage in Sexual Conduct to Produce a Visual Depiction

[Name of defendant] is charged in count ____ with enticing a child less than 18 years old to engage in sexual conduct to produce a visual depiction.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [enticed/encouraged/persuaded/seduced/induced/solicited/asked/advised/coerced/ordered] [name of child], who was less than 18 years old, to [produce/make] a visual depiction of adult sexual conduct or sexually explicit conduct, by _____ [describe the defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “sexual conduct” means real or pretend (1) sexual intercourse, including genital to genital, oral to genital, anal to genital, or oral to anal intercourse, between

people of the same or opposite sex; (2) bestiality; (3) masturbation; (4) sadistic or masochistic abuse; (5) sexually showing the genitals or pubic area of any person; or (6) sexually touching the genitals, pubic area, buttocks, anus, or breast.

Sources

Mississippi Model Jury Instructions - Criminal 9:10 and 9:11.

Miss. Code Ann. § 97-5-33(7).

2813 Felony Child Abuse - Burn or Torture

[Name of defendant] is charged in count _____ with felony child abuse.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] intentionally and unlawfully [burned/tortured] [name of child], who was less than 18 years old,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 9:17.

Miss. Code Ann. § 97-5-39(2)(a).

2814 Felony Child Abuse - Causing Serious Bodily Injury

[Name of defendant] is charged in count _____ with felony child abuse.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] intentionally and unlawfully [whipped/hit/struck/hurt] [name of child], who was less than 18 years old, by _____ [describe defendant’s alleged actions], which caused serious bodily injury; and

3. [Name of defendant] was not acting in self-defense or in defense of another person, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

As used in this instruction, “serious bodily injury” means that the injury causes a substantial risk of death or disfigurement or harms a child’s organ(s) or how the organ(s) function.

Sources

Mississippi Model Jury Instruction - Criminal 9:17.

Miss. Code Ann. § 97-5-39(2)(a).

2815 Sexual Intercourse with a Stepchild or Adopted Child

[Name of defendant] is charged in count _____ with having sexual intercourse with [his/her] stepchild or adopted child.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully had [carnal knowledge/sexual intercourse] with [name of child], who was [name of defendant]’s stepchild or [name of defendant]’s adopted child, and

who was more than 14 years old, but less than 18 years old, and was younger than [name of defendant],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 9:16.

Miss. Code Ann. § 97-5-41.

2816 Sexual Intercourse with a Cohabiting Partner's Child

[Name of defendant] is charged in count ____ with having sexual intercourse with [his/her] cohabitating partner's child.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] and [name of cohabitating partner] were living together as husband and wife; and
 3. [Name of defendant] unlawfully had [carnal knowledge/sexual intercourse] with [name of child], who was [name of cohabitating partner]'s child and who was more than 14 years old, but less than 18 years old, and was younger than [name of defendant],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 9:16.

Miss. Code Ann. § 97-5-41.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal
Chapter 29 Crimes Against Sovereignty or Administration of Government

2900 Making Fraudulent Statements or Representations

[Name of defendant] is charged in count ____ with making fraudulent statements or representations.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully

[falsified/concealed/covered up] a material fact, intending to defraud the State of Mississippi or

_____ [specify the department, agency, office, board, commission, county, municipality, or other state or local government subdivision];

OR

2B. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully made a false or fraudulent statement or representation, intending to defraud the State of Mississippi or

_____ [specify the department, agency, office, board, commission, county, municipality, or other state or local government subdivision],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-10.

2901 Making Fraudulent Statements or Representations - In a Writing or Document

[Name of defendant] is charged in count ____ with making a fraudulent statement or representation in a writing or document.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully [made/used] a false writing or document, knowing that it was false, and intending to defraud the State of Mississippi or _____ [specify the department, agency, office, board, commission, county, municipality, or other state or local government subdivision],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-10.

2902 Agreeing to Defraud the State of Mississippi - Obtaining Public Funds

[Name of defendant] is charged in count ____ with agreeing to defraud the State of Mississippi by obtaining public funds.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully agreed to defraud the State of Mississippi, a department, or a political subdivision, by [obtaining/aiding in obtaining] a payment from public funds for a false or fraudulent claim,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-11.

2903 Agreeing to Defraud the State of Mississippi - Interfering or Stopping Payment of a State of Mississippi Claim or Preventing a Suit to Enforce a State of Mississippi Claim

[Name of defendant] is charged in count ____ with agreeing to defraud the State of Mississippi by interfering with or stopping payment of a State of Mississippi claim or preventing a suit to enforce a State of Mississippi claim.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud the State of Mississippi, a department, or a political subdivision,

[name of defendant] unlawfully agreed:

A. To interfere with or stop a payment for a legal claim due to the State of Mississippi, a department, or a political subdivision; or

B. To prevent a suit to enforce a legal claim by the State of Mississippi, a department, or a political subdivision; or

C. To defraud the State of Mississippi, a department, or a political subdivision by _____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-13.

2904 Agreeing to Defraud the State of Mississippi - Interfering or Stopping Payment of a State of Mississippi Claim or Preventing a Suit to Enforce a State of Mississippi Claim - Act Committed to Carry out the Agreement

[Name of defendant] is charged in count ____ with agreeing to defraud the State of Mississippi by interfering with or stopping payment of a State of Mississippi claim or preventing a suit to enforce a State of Mississippi claim.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud the State of Mississippi, a department, or a political subdivision, [name of defendant] and [name of co-defendant] unlawfully agreed:
 - A. To interfere with or stop a payment for a legal claim due to the State of Mississippi, a department, or a political subdivision; or
 - B. To prevent a suit to enforce a legal claim by the State of Mississippi, a department, or a political subdivision; or
 - C. To defraud the State of Mississippi, a department, or a political subdivision by _____ [describe defendant's alleged actions]; and
3. [Name of defendant] [and/or] [name of co-defendant] acted in a way to carry out their agreement by _____ [describe defendant's or co-defendant's alleged actions],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-15.

2905 Agreeing to Defraud the State of Mississippi - Preventing from Holding Office or Interfering with Carrying out Official Duties

[Name of defendant] is charged in count ____ with preventing a person from holding office or interfering with an official carrying out [his/her] official duties.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] and [name of co-defendant] unlawfully agreed:
 - A. To [stop/prevent] [name of person] from accepting or holding a State of Mississippi or political office by using force, intimidation, or threats; or
 - B. To prevent [name of person], [a/an] _____ [specify state or political office], from carrying out the duties of [his/her] office; or
 - C. To encourage [name of person], [a/an] _____ [specify state or political office], to leave the place where [his/her] official duties were required to be performed, by using force, intimidation, or threats; or
 - D. To injure [name of person], [a/an] _____ [specify state or political office], or [his/her] property, because of [name of person] lawfully carrying out [his/her] official duties; or
 - E. To injure [name of person], [a/an] _____ [specify state or political office], or

[his/her] property, while [name of person] was lawfully carrying out [his/her] official duties; or

F. To injure [name of person]'s property to [interfere with/prevent] [name of person], [a/an] _____ [specify state or political office], from carrying out [his/her] official duties,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-17.

2906 Damaging or Destroying a State or Federally Licensed Communications System

[Name of defendant] is charged in count ____ with damaging or destroying a state or federally licensed communications system.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] intentionally and unlawfully

[damaged/destroyed/injured/tampered/interfered with] personal property or real property used in

the maintenance, repair, or operating of a telephone or radio station, which was regulated or

licensed by a state or federal agency, believing that [his/her] actions would delay or interfere with

the maintenance, repair, or operation of the telephone or radio station,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-31.

2907 Fraudulently Receiving Food Coupons - Third Offense

[Name of defendant] is charged in count ____ with fraudulently receiving food coupons.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] [intentionally/knowingly] and unlawfully

[obtained/got/received/attempted to obtain/attempted to get] food coupons by:

A. [Intentionally/Willfully] making a false statement or representation; or

B. Falsely impersonating someone; or

C. _____ [Describe defendant's alleged actions]; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-7-42] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-7-42] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-42.

2908 Assisting Someone to Fraudulently Get Food Coupons - Third Offense

[Name of defendant] is charged in count ____ with assisting someone to fraudulently get food coupons.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
- 2. [Name of defendant] [intentionally/knowingly] and unlawfully [assisted/aided/helped] [name of person] to get food coupons by:

A. [Intentionally/Willfully] making a false statement or representation; or

B. Falsely impersonating someone; or

C. _____ [Describe defendant's alleged actions]; and

- 3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-7-42] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-7-42] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-42.

2909 Fraudulently Using Food Coupons - Third Offense

[Name of defendant] is charged in count ____ with fraudulently using food coupons.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/knowingly] and unlawfully [used/caused to be used] food coupons to which [he/she] was not entitled;

OR

- 2B. [Name of defendant] [intentionally/knowingly] and unlawfully [used/caused to be used] food coupons in a greater amount than which [he/she] was entitled; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-7-42] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-7-42] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-42.

2910 Fraudulently Selling Food Coupons - Third Offense

[Name of defendant] is charged in count ____ with fraudulently selling food coupons.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [sold/gave] food coupons,

which [name of defendant] legally possessed, to [name of person]; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-7-42] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-7-42] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-42.

2911 Fraudulently Buying Food Coupons - Third Offense

[Name of defendant] is charged in count ____ with fraudulently buying or accepting food coupons.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [bought/purchased/accepted] food coupons to which [he/she] was not legally entitled; and
3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-7-42] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-7-42] in _____ [list court and details of previous conviction] on _____ [list date of

previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-42.

2912 Stopping the Legislature from Meeting

[Name of defendant] is charged in count ____ with stopping or attempting to stop the legislature from meeting.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [stopped/attempted to stop] the legislature, the House, the Senate, or any of its members from meeting, by using force or fraud to _____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-45.

2913 Bribing a Member of the Legislature

[Name of defendant] is charged in count ____ with bribing a member of the legislature.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully [gave/offered to give] a bribe to [name of legislator or person], who was a member of the legislature, or another person on [name of legislator]'s behalf, _____ [specify (1) to influence [name of person] to [give/withhold] [his/her] vote; (2) not to attend the legislative session; or (3) not to attend a meeting of a committee on which [he/she] served],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-53.

2914 Unlawfully Influencing a Member of the Legislature

[Name of defendant] is charged in count ____ with unlawfully influencing a member of the legislature.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] intentionally and unlawfully attempted by threat, deception, suppressing the truth, or another unlawful way to influence [name of legislator], who was a member of the legislature, _____ [specify (1) to [give/withhold] [his/her] vote; (2) not to attend the legislative session; or (3) not to attend a meeting of a committee on which [he/she] served],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-53.

2915 Receiving a Bribe - Legislator

[Name of defendant] is charged in count ____ with asking for or receiving a bribe.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a member of the Mississippi House of Representatives or Mississippi Senate; and
3. [Name of defendant] unlawfully [asked for/received/agreed to receive] a bribe, intending for the bribe to influence [his/her] vote, opinion, decision, or action, or [his/her] actions in [his/her] official capacity on a particular issue or question,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-55.

2916 Promising a Vote - Legislator

[Name of defendant] is charged in count ____ with offering or promising a particular vote based on another legislator's vote.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a member of the Mississippi House of Representatives or Mississippi Senate; and
3. [Name of defendant] unlawfully [gave/offered/promised to give] an official vote on an issue that was based on another legislator giving a particular vote on the same or another issue, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-55.

2917 Asking for or Receiving Money to Unlawfully Influence a Legislator

[Name of defendant] is charged in count ____ with asking for or receiving money in exchange for unlawfully influencing a legislator.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [asked for/received] money or something of value from [name of person], based on [name of defendant]'s [claim/representation/pretense] that [name of defendant] could and would improperly influence [name of legislator or official], who was a member or official of the legislature, and [his/her] actions or vote on a legislative matter, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-57.

2918 Cutting Trees or Timber from State Land

[Name of defendant] is charged in count ____ with cutting trees or timber from land belonging to the State of Mississippi.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [cut/rafted] _____ [specify tree(s) listed in § 97-7-65] from land which belongs to the State of Mississippi or was held in trust by the State of Mississippi; and
3. The tree(s) and timber [was/were] valued at more than \$25.00,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-65.

2919 Treason

[Name of defendant] is charged in count ____ with treason.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] attempted war against the State of Mississippi or aided its enemy or enemies by _____ [describe defendant's alleged actions]; and

3. [Name of witness 1] and [name of witness 2] truthfully testified to [name of defendant]'s actions in open court,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-67 and § 97-7-69.

2920 Arguing for or Supporting the Violent Overthrow of Government

[Name of defendant] is charged in count ____ with arguing for or supporting the violent overthrow of the government.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [argued for/advocated/supported] the violent overthrow of the United States Constitution or government or the Mississippi Constitution or government by _____ [describe defendant's alleged actions],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-7-71.

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 30 Offenses Affecting Administration of Justice

A. In General

3000 Larceny of a Court or Public Record

[Name of defendant] is charged in count _____ with larceny of a court or public record.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully took and carried away _____ [specify record, paper, or proceeding], which had been filed with _____ [specify the court or public office], by _____ [describe defendant's alleged actions];

OR

2B. [Name of defendant] fraudulently and unlawfully [concealed/destroyed/withdrew] _____ [specify record, paper, or proceeding], which had been filed with _____ [specify the court or public office], by _____ [describe defendant's alleged actions];

OR

2C. [Name of defendant] unlawfully took away _____ [specify record, paper, or proceeding], which had been filed with _____ [specify the court or public office], by _____ [describe defendant's alleged actions], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-3.

3001 Bribery of a Juror

[Name of defendant] is charged in count _____ with bribery of a juror.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] was a juror in a court proceeding;

OR

2B. [Name of defendant] had been summoned to be a juror; and

3. [Name of defendant] [intentionally/corruptly] and unlawfully [took/received/accepted] [a/an] _____ [specify the gift, reward, and promise], in order to influence the jury's verdict,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-5.

3002 Bribery of a Juror - Juror's Wife Accepted Gift

[Name of defendant] is charged in count _____ with bribery of a juror.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] was a juror in a court proceeding;

OR

2B. [Name of defendant] had been summoned to be a juror; and

3. [Name of defendant's wife], [name of defendant]'s wife, unlawfully [took/received/accepted] [a/an] _____ [specify the gift, reward, or promise], in an effort to influence the jury's verdict, with [name of defendant]'s knowledge and consent, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-5.

3003 Bribery to Conceal Certain Felonies - Death and Life Imprisonment

[Name of defendant] is charged in count _____ with bribery to conceal a felony.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] knew about [a/an] _____ [specify the felony punishable by death or life imprisonment]; and
3. [Name of defendant] unlawfully [took/received/accepted] [a/an] _____ [specify money, property, reward, or promise], intending to _____ [specify (1) conceal the felony; (2) refuse to cooperate with the felony's prosecution; or (3) withhold evidence about the felony],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-7.

3004 Bribery to Conceal Certain Felonies - Less than Life Imprisonment

[Name of defendant] is charged in count _____ with bribery to conceal a felony.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] knew about [a/an] _____ [describe the felony punishable by any sentence other than life]; and
3. [Name of defendant] unlawfully [took/received/accepted] [a/an] _____ [specify the money, property, reward, or promise], intending to _____ [specify (1) conceal the felony; (2) refuse to cooperate with the felony's prosecution; or (3) withhold evidence about the felony],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-9.

3005 Offering Something to Bring or Maintain a Lawsuit

[Name of defendant] is charged in count _____ with getting a person to bring or maintain a lawsuit or other legal proceeding.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully [promised/gave/offered/agreed to promise, give or offer/received/accepted/agreed to receive or accept/asked for/solicited/donated] _____ [specify money, check, personal services, personal property, real property, or something of value] to [name of person], in order to get [name of person] _____ [specify (1) to bring a lawsuit or other legal proceeding or (2) to continue to maintain a lawsuit or other legal proceeding] _____ [specify (1) in _____ Court or (2) before _____ [specify agency or board]],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-11.

3006 Escape - Bringing Items into a Jail or Prison to Use for Escape

[Name of defendant] is charged in count ___ with bringing items into a jail, penitentiary, or other place of confinement for a convicted felon to use to escape.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully brought _____ [specify the items allegedly brought] into _____ [specify the jail, penitentiary, or place of confinement where the items were allegedly brought], intending to help [name of convicted felon], who was a convicted felon, [escape/attempt to escape],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 10:1.

Miss. Code Ann. § 97-9-27.

3007 Escape - Helping a Felon Escape

[Name of defendant] is charged in count ____ with helping a felon escape from a jail, penitentiary, or other place of confinement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully helped [name of alleged felon or convicted felon], who was lawfully imprisoned in _____ [specify the jail, penitentiary, or place of confinement], to [escape/attempt to escape];

OR

- 2B. [Name of defendant] unlawfully freed [name of charged person], who was being lawfully held in _____ [specify the jail, penitentiary, or place of confinement], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 10:2.

Miss. Code Ann. § 97-9-29.

3008 Allowing an Escape by an Officer, Guard, or Other Person

[Name of defendant] is charged in count ____ with allowing a convict to escape.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was [a/an] _____ [specify officer, guard, or other person] at the Mississippi penitentiary; and
- 3A. [Name of defendant] [intentionally/willfully] and unlawfully allowed [name of convict], a convict under [name of defendant]'s charge or keep, to escape from the Mississippi penitentiary by _____ [describe defendant's alleged actions];

OR

- 3B. [Name of defendant] negligently and unlawfully allowed [name of convict], a convict under [name of defendant]'s charge or keep, to escape from the Mississippi penitentiary by _____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction -

In this instruction, “negligently” means doing something that a reasonably careful person would not do under similar circumstances or failing to do something that a reasonably careful person would do under similar circumstances.

Sources

Miss. Code Ann. § 97-9-35.

3009 Escape - Hiding an Escaped Prisoner

[Name of defendant] is charged in count ____ with hiding an escaped prisoner.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully hid [name of escaped prisoner], who had escaped from _____ [specify the jail, penitentiary, or place of confinement], knowing that [name of escaped prisoner] had escaped, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 10:4.

Miss. Code Ann. § 97-9-41.

3010 Escape - From Custody or the Penitentiary

[Name of defendant] is charged in count ____ with escape or attempted escape from _____ [specify the penitentiary or the place of confinement before being sent to the penitentiary].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully [escaped/attempted to escape] from _____ [specify

the penitentiary, other place of confinement before being sent to the penitentiary, or unit or camp] by _____ [describe defendant's alleged actions];

OR

2B. [Name of defendant], who was authorized by _____ [specify the Mississippi Department of Corrections or the Governor] to leave the penitentiary, unlawfully failed to return _____ [specify (1) at the specified time or (2) when [name of defendant] was through with the purpose for which [he/she] was allowed to leave], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 10:3.

Miss. Code Ann. § 97-9-45.

3011 Escape - When Serving a Term Less than Life

[Name of defendant] is charged in count _____ with escape or attempted to escape.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was serving a sentence of _____ [specify defendant's sentence which was less than life imprisonment]; and
 3. [Name of defendant] unlawfully [escaped/attempted to escape] by using force or violence against another person from _____ [specify the penitentiary],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-47.

3012 Attempted Escape - From Custody or Jail

[Name of defendant] is charged in count ____ with escape or attempted to escape.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [escaped/attempted to escape] by using force or violence from _____ [specify (1) the jail in which [name of defendant] was confined; (2) the court or judge-ordered custody [name of defendant] was under; or (3) the sheriff's or other peace officer's custody [name of defendant] was under], for a felony charge, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-49.

3013 Intimidation of Judges, Jurors, Witnesses, or Attorneys

[Name of defendant] is charged in count ____ with intimidating [a/an] _____ [specify judge, juror, someone summoned for jury duty, witness, attorney, or other court officer carrying out his or her duties].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [threatened/used force against/abused/attempted to intimidate/attempted to influence] [name of judge, juror, someone summoned for jury duty, witness, attorney, or court officer carrying out [his/her] duties] by _____ [describe defendant's alleged actions],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 10:5.

Miss. Code Ann. § 97-9-55.

3014 Obstructing Justice

[Name of defendant] is charged in count ___ with obstructing justice.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully obstructed justice in _____ Court by _____ [describe defendant's alleged actions],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 10:5.

Miss. Code Ann. § 97-9-55.

3015 Perjury

[Name of defendant] is charged in count ____ with perjury.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully/corruptly] and unlawfully made a false statement under oath in _____ Court or before [name of court officer] about _____ [describe the allegedly false statement], which was [a/an] [material/important] matter, knowing that this statement was false; and
- 3A. If you believe that the testimony of [name of witness 1] and [name of witness 2] proves that the statement [is/was] false;

OR

- 3B. If you believe that the testimony of [name of witness] and the [supporting/corroborating] evidence prove that the statement [is/was] false, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this Instruction, “perjury” means a person intentionally makes a false statement under oath about [a/an] [material/important] matter knowing that the statement is false.

Sources

Mississippi Model Jury Instruction - Criminal 10:6.

Miss. Code Ann. § 97-9-59.

Kea v. State, 986 So. 2d 358, 360 (Miss. Ct. App. 2008) (Our supreme court explained in *Nash v. State*, 244 Miss. 857, 865-66, 147 So. 2d 499, 502 (1962) as follows: This Court has held in a long line of decisions that, although the other allegations of the indictment may be proved by a single witness, the falsity of the allegedly perjured statement must be established by the testimony of at least two witnesses or by one witness and corroborating circumstances and a conviction for perjury may not be secured and sustained on the uncorroborated testimony of one witness to the falsity of the allegedly perjured statement on which the perjury is assigned.).

3016 Suborning Perjury

[Name of defendant] is charged in count ____ with suborning perjury.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/corruptly] and unlawfully [procured/got/encouraged] [name of witness] to [intentionally/willfully/corruptly] make [a/an] [material/important] false statement under oath in _____ Court or before _____ [name of court officer] about _____ [describe the allegedly false statement], which concerned an [material/important] matter, by _____ [describe defendant's alleged actions],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “suborning perjury” means a person intentionally encourages another person to make [a/an] [material/important] false statement under oath knowing that the statement is false.

In this instruction, “perjury” means a person intentionally makes a false statement under oath about [a/an] [material/important] matter knowing that the statement is false.

Sources

Mississippi Model Jury Instruction - Criminal 10:7.

Miss. Code Ann. § 97-9-63.

3017 Bribing a Witness to Commit Perjury

[Name of defendant] is charged in count ____ with bribing a witness to commit perjury.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/corruptly] and unlawfully [offered/attempted to offer] _____ [specify value offered] to [name of witness] to commit perjury; and
- 3A. [Name of witness] was a witness in _____ [specify court, proceeding, or hearing];

OR

- 3B. [Name of witness] was a possible witness in _____ [specify court, proceeding, or hearing],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “perjury” means a person intentionally makes a false statement under oath about [a/an] [material/important] matter knowing that the statement is false.

Sources

Mississippi Model Jury Instruction - Criminal 10:8.

Miss. Code Ann. § 97-9-65.

3018 Failing to Stop for a Law Enforcement Officer - Reckless Disregard

[Name of defendant] is charged in count ____ with failing to stop for a law enforcement officer.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of law enforcement officer], a law enforcement officer, signaled [name of defendant] to come to a stop by _____ [describe officer’s hand, voice, siren, or emergency light signal]; and
 3. [Name of law enforcement officer] was performing [his/her] official law enforcement [duty/duties] and reasonably believed that [name of defendant] had committed a crime; and
 4. [Name of defendant] [intentionally/willfully] and unlawfully refused to come to a stop; and
 5. [Name of defendant] was operating [his/her] motor vehicle in such a way to show reckless or [intentional/willfull] disregard of the safety of people or property,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-72.

3019 Failing to Stop for a Law Enforcement Officer - Causing Serious Bodily Injury

[Name of defendant] is charged in count ____ with failing to stop for a law enforcement officer.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of law enforcement officer], a law enforcement officer, signaled [name of defendant] to come to a stop by _____ [describe officer's hand, voice, siren, or emergency light signal]; and
3. [Name of law enforcement officer] was performing [his/her] official law enforcement [duty/duties] and reasonably believed that [name of defendant] had committed a crime; and
4. [Name of defendant] [intentionally/willfully] and unlawfully refused to come to a stop; and
5. [Name of defendant] unlawfully [seriously injured/caused serious bodily injury to] [name of victim] by _____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-72.

3020 Failing to Stop for a Law Enforcement Officer - Causing Death

[Name of defendant] is charged in count ____ with failing to stop for a law enforcement officer.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of law enforcement officer], a law enforcement officer, signaled [name of defendant] to come to a stop by _____ [describe officer’s hand, voice, siren, or emergency light signal]; and
 3. [Name of law enforcement officer] was performing [his/her] official law enforcement [duty/duties] and reasonably believed that [name of defendant] had committed a crime; and
 4. [Name of defendant] [intentionally/willfully] and unlawfully refused to come to a stop; and
 5. [Name of defendant] unlawfully caused the death of [name of victim] by _____ [describe defendant’s alleged actions],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-72.

3021 Resisting Arrest

[Name of defendant] is charged in count ____ with resisting arrest.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of arresting authority] [arrested/attempted to arrest] [name of defendant]; and
3. [Name of defendant] [resisted/obstructed] [his/her] arrest by using force, violence, or threats to _____ [describe the defendant's alleged actions],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 10:9.

Miss. Code Ann. § 97-9-73.

3022 Changing or Hiding a Will

[Name of defendant] is charged in count ____ with [altering/changing/hiding] a will.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2A. [Name of defendant] [intentionally/willfully] and unlawfully [altered/changed/destroyed] [name of person]'s will or a codicil to a will without [his/her] consent by _____ [describe defendant's alleged actions];

OR

2B. [Name of defendant] [intentionally/willfully] and unlawfully hid [name of person]'s will or a codicil to a will after [name of defendant] learned of [name of person]'s death,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-77.

B. Obstruction of Justice

3050 Giving Criminal Assistance - Definition

Giving criminal assistance is when a person [intentionally/knowingly] has:

- (1) Disguised or hidden [name of person]; or
- (2) Warned [name of person] that [he/she] was about to be caught or discovered; or
- (3) [Gave/Helped get] [name of person] _____ [specify money, vehicle, weapon, disguise, or other means to avoid being caught or discovered]; or
- (4) Prevented [name of person who was pursuing the individual] from _____ [specify the act which was prevented that might have caught, discovered, or convicted the individual]; or
- (5) [Altered/Hid/Destroyed] evidence that might have helped catch, discover, or convict [name of person].

Sources

Miss. Code Ann. § 97-9-103.

3051 Hindering the Prosecution of a Felony

[Name of defendant] is charged in count ____ with hindering the prosecution of a felony.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully:
 - A. Disguised or hid [name of person]; or

B. Warned [name of person] that [he/she] was about to be caught or discovered; or

C. [Gave/Helped get] [name of person] _____ [specify money, vehicle, weapon, disguise, or other means to avoid being caught or discovered]; or

D. Prevented [name of person who was pursuing the individual] from _____ [specify the act which was prevented that might have caught, discovered, or convicted the individual]; or

E. [Altered/Hid/Destroyed] evidence that might have helped catch, discover, or convict [name of person],

intending to hinder the [apprehension/prosecution/conviction/punishment] of [name of person] for committing _____ [specify felony], a felony, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-105.

3052 Hindering the Prosecution of a Misdemeanor

[Name of defendant] is charged in count _____ with hindering the prosecution of a misdemeanor.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully:

A. Disguised or hid [name of person]; or

B. Warned [name of person] that [he/she] was about to be caught or discovered; or

C. [Gave/Helped get] [name of person] _____ [specify money, vehicle, weapon, disguise, or other means to avoid being caught or discovered]; or

D. Prevented [name of person who was pursuing the individual] from _____ [specify the act which was prevented that might have caught, discovered, or convicted the individual]; or

E. [Altered/Hid/Destroyed] evidence that might have helped catch, discover, or convict [name of person],

intending to hinder the [apprehension/prosecution/conviction/punishment] of [name of person] for committing a _____ [specify misdemeanor], a misdemeanor, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-107.

3053 Bribing a Witness

[Name of defendant] is charged in count _____ with bribing a witness.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [offered/gave/agreed to give] _____ [specify the benefit] to [name of witness], who was a witness or a person who may have been called to be a witness in an official proceeding, intending to

_____ [specify (1) influence [name of witness]'s testimony; (2) encourage [name of witness] to avoid the summons to testify; or (3) encourage [name of witness] not to attend a proceeding that [he/she] had been summoned to attend],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-109.

3054 Receiving a Bribe by a Witness

[Name of defendant] is charged in count _____ with receiving a bribe.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a witness or a person who may have been called to be a witness in an official proceeding; and
3. [Name of defendant] [intentionally/knowingly] and unlawfully [asked for/solicited/accepted/agreed to accept] _____ [specify the benefit], understanding that _____ [specify (1) [name of defendant]'s testimony would be influenced; (2) [name of defendant] would be encouraged to avoid the summons to testify; or (3) [name of defendant] would be encouraged not to attend a proceeding that [he/she] had been summoned to attend],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-111.

3055 Intimidating a Witness

[Name of defendant] is charged in count _____ with intimidating a witness.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully attempted:
 - A. To influence the testimony of [name of witness], who was a witness or a person who may have been called to be a witness in an official proceeding, by using threats directed at [name of witness]; or
 - B. To encourage [name of witness], who was a witness or a person who may have been called to be a witness in an official proceeding, to avoid the summons to testify, by using threats directed at [name of witness]; or
 - C. To encourage [name of witness], who was a witness or a person who may have been called to be a witness in an official proceeding, not to attend a proceeding that [he/she] had been summoned to attend], by using threats directed at [name of witness],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-113.

3056 Tampering with a Witness

[Name of defendant] is charged in count ____ with tampering with a witness.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/knowingly] and unlawfully [encouraged/attempted to encourage] [name of witness], who was a witness or a person who [name of defendant] believed would be called as a witness in an official proceeding, _____ [specify (1) to testify falsely or unlawfully withhold testimony or (2) not to attend a proceeding which [he/she] had been summoned to attend],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-115.

3057 Bribing a Judge

[Name of defendant] is charged in count ____ with bribing a judge.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of judge] was a judge; and
3. [Name of defendant] [intentionally/knowingly] and unlawfully [offered/conferred/gave/agreed to give] _____ [specify the benefit] to [name of judge], intending to influence [name of judge]’s _____ [specify vote, decision, discretion, or other judicial function],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-116.

3058 Bribing a Juror

[Name of defendant] is charged in count ____ with bribing a juror.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of juror] was a juror; and
3. [Name of defendant] [intentionally/knowingly] and unlawfully [offered/conferred/gave/agreed to give] _____ [specify the benefit] to [name of juror], intending to influence [name of juror]'s _____ [specify vote, opinion, decision, or other action as a juror],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-117.

3059 Receiving a Bribe by a Juror

[Name of defendant] is charged in count ____ with receiving a bribe by a juror.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] was a juror; and

3. [Name of defendant] [intentionally/knowingly] and unlawfully [asked for/solicited/accepted/agreed to accept] _____ [specify the benefit], understanding that [name of defendant]'s _____ [specify vote, opinion, decision, or other action as a juror] would be influenced,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-119.

3060 Intimidating a Juror

[Name of defendant] is charged in count _____ with intimidating a juror.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of juror] was a juror; and

3. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to influence [name of juror]'s _____ [specify vote, opinion, decision, or other action as a juror], by using threats directed at [name of juror],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-121.

3061 Tampering with a Juror

[Name of defendant] is charged in count ____ with tampering with a juror.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of juror] was a juror; and
 3. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to communicate during a trial with [name of juror], intending to influence [name of juror]'s _____ [specify vote, opinion, decision, or other action as a juror],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-123.

3062 Tampering with Evidence

[Name of defendant] is charged in count ____ with tampering with evidence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] believed that an official proceeding was ongoing or may be [instituted/begun]; and
- 3A. [Name of defendant] intentionally and unlawfully [destroyed/mutilated/hid/concealed/took/removed/altered] evidence, intending to harm its

[use/accuracy/veracity/availability] in the official proceeding;

OR

3B. [Name of defendant] [intentionally/knowingly] and unlawfully [made/presented/offered] false evidence, intending that it be introduced during the official proceeding;

OR

3C. [Name of defendant] intentionally and unlawfully prevented evidence from being produced by using force or deceiving [name of person],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-125.

3063 Retaliation

[Name of defendant] is charged in count _____ with retaliation.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [harmed/threatened to harm] [name of victim] in retaliation for _____ [describe act done by victim], which was lawfully done in [name of victim]'s official capacity as [a/an] _____ [specify (1) public servant, (2) witness, (3) [possible/potential/prospective] witness, or (4) informant], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-9-127.

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 31 Offenses Involving Public Officials

3100 Making a False Entry or Changing Public Records

[Name of defendant] is charged in count ____ with making a false entry or with changing public records.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a _____ [specify clerk of court, public officer, or another person]; and
3. [Name of defendant] [intentionally/wittingly] and unlawfully:
 - A. Made a false entry in a court record or public office record; or
 - B. Erased work or a letter in a court record or public office record; or
 - C. Changed a court record or public office record,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-11-1.

3101 Bribery - Giving a Bribe

[Name of defendant] is charged in count ____ with bribery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully [promised/offered/gave] _____ [specify money, goods, personal property, or real property] to [name of person], a [public/private] _____ [specify officer, agent, trustee, candidate, or applicant listed in § 97-11-11], intending to influence [name of person]'s _____ [specify vote, opinion, action, decision, or judgment] on a question, matter, or proceeding, which was pending or which may have been pending,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 11:1.

Miss. Code Ann. § 97-11-11.

3102 Bribery - Receiving a Bribe

[Name of defendant] is charged in count ____ with receiving a bribe.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was [a/an] _____ [specify officer, agent, or trustee]; and
3. [Name of defendant] unlawfully [accepted/received] _____ [specify money, goods, personal property, real property, or a right in action] from [name of person], who intended to influence [name of defendant]'s _____ [specify vote, opinion, action, decision, or judgment] on a question, matter, or proceeding, which was pending or which may have been pending,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:2.

Miss. Code Ann. § 97-11-13.

3103 Embezzlement - Converting Property

[Name of defendant] is charged in count _____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was _____ [specify official listed in § 97-11-25]; and
- 3A. [Name of defendant] converted _____ [specify money or thing of value], which came into [name of defendant]'s possession because of [his/her] office or employment, to [his/her] own use;

OR

- 3B. [Name of defendant] failed to immediately turn over _____ [specify money or thing of value], which came into [name of defendant]'s possession because of [his/her] office or employment, when required to do so by a legal obligation, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:4.

Miss. Code Ann. § 97-11-25.

3104 Embezzlement - Refusing to Give Records to Successor in Office

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was _____ [specify official listed in § 97-11-27]; and
 3. [Name of defendant] was required by law to [deliver/give] _____ [specify money, books, records, papers, or other thing] to [name of successor], [name of defendant]'s successor in office; and
 4. [Name of defendant] [intentionally/willfully] and unlawfully [refused/neglected] to [deliver/give] the _____ [specify money, books, records, papers, or other thing] to [name of successor] when [name of successor] [asked for/demanded] the _____ [specify money, books, records, papers, or other thing],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:5.

Miss. Code Ann. § 97-11-27.

3105 Embezzlement - Making a False Entry

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was _____ [specify official listed in § 97-11-29]; and
 3. [Name of defendant] [intentionally/willfully], fraudulently, and unlawfully made a false entry in [a/an/the] _____ [specify record],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:3.

Miss. Code Ann. § 97-11-29.

3106 Embezzlement - Certifying a False Warrant

[Name of defendant] is charged in count _____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was _____ [specify official listed in § 97-11-29]; and
 3. [Name of defendant] [intentionally/willfully], fraudulently, and unlawfully [certified/endorsed] that a warrant on the treasury was genuine, when it was not genuine,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:7.

Miss. Code Ann. § 97-11-29.

3107 Embezzlement - Loaning Public Monies

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was _____ [specify official listed in § 97-11-29]; and
3. [Name of defendant] [intentionally/willfully], fraudulently, and unlawfully loaned public _____ [specify money, security, stocks, or public property] by _____
[describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:8.

Miss. Code Ann. § 97-11-29.

3108 Embezzlement - Defrauding or Attempting to Defraud

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was _____ [specify official listed in § 97-11-29]; and
3. [Name of defendant] [intentionally/willfully] and unlawfully [defrauded/attempted to defraud]

the _____ [specify State of Mississippi, county, city, town, or village] of _____
[specify money, security, or property] by _____ [describe defendant's alleged
actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:3.

Miss. Code Ann. § 97-11-29.

3109 Extortion

[Name of defendant] is charged in count ____ with extortion.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was _____ [specify official listed in § 97-11-33]; and
- 3A. [Name of defendant] [intentionally/knowingly] and unlawfully [demanded/took/collected]
_____ [specify money, fee, or reward] under the authority of [his/her] office, which was
not authorized by law;

OR

- 3B. [Name of defendant] [intentionally/knowingly] and unlawfully [demanded/received] a fee for
a service not actually performed,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-11-33.

3110 Influencing Public Officials - Offering Something of Value

[Name of defendant] is charged in count _____ with offering something of value to influence a public official.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [offered/promised/gave/agreed to give] _____ [specify money, property, or something of value] to [name of public official], who was [a/an] _____ [specify official listed in § 97-11-53], or [name of public official]'s [husband/wife], intending to influence [name of public official] to:

A. Award or refuse to award a contract by _____ [specify the entity listed in § 97-11-53]; or

B. [Purchase/Buy/Sell/Lease] property by _____ [specify the entity listed in § 97-11-53]; or

C. [Accomplish/Carry out] an official act involving public money or public trust,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-11-53.

3111 Influencing Public Officials - Receiving Something of Value

[Name of defendant] is charged in count ____ with receiving something of value to influence a public official.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a _____ [specify public official listed in § 97-11-53]; and
- 3A. [Name of defendant] [accepted/received/offered to receive/agreed to receive] _____ [specify money, property, or something of value] from [name of person] as an [incentive/inducement] to:

A. Award or refuse to award a contract by _____ [specify the entity listed in § 97-11-53]; or

B. [Purchase/Buy/Sell/Lease] property by _____ [specify the entity listed in § 97-11-53]; or

C. [Accomplish/Carry out] an official act involving public money or public trust;

OR

- 3B. [Name of defendant's spouse] [accepted/received/offered to receive/agreed to receive] _____ [specify money, property, or something of value] from [name of person], with [name of defendant]'s knowledge and consent, as an [incentive/inducement] for [name of defendant] to:

A. Award or refuse to award a contract by _____ [specify the entity listed in § 97-11-53]; or

B. [Purchase/Buy/Sell/Lease] property by _____ [specify the entity listed in §

97-11-53]; or

C. [Accomplish/Carry out] an official act involving public money or public trust,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-11-53.

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 31 Offenses Involving Public Officials

3100 Making a False Entry or Changing Public Records

[Name of defendant] is charged in count ____ with making a false entry or with changing public records.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a _____ [specify clerk of court, public officer, or another person]; and
3. [Name of defendant] [intentionally/wittingly] and unlawfully:
 - A. Made a false entry in a court record or public office record; or
 - B. Erased work or a letter in a court record or public office record; or
 - C. Changed a court record or public office record,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-11-1.

3101 Bribery - Giving a Bribe

[Name of defendant] is charged in count ____ with bribery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully [promised/offered/gave] _____ [specify money, goods, personal property, or real property] to [name of person], a [public/private] _____ [specify officer, agent, trustee, candidate, or applicant listed in § 97-11-11], intending to influence [name of person]'s _____ [specify vote, opinion, action, decision, or judgment] on a question, matter, or proceeding, which was pending or which may have been pending,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 11:1.

Miss. Code Ann. § 97-11-11.

3102 Bribery - Receiving a Bribe

[Name of defendant] is charged in count ____ with receiving a bribe.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was [a/an] _____ [specify officer, agent, or trustee]; and
3. [Name of defendant] unlawfully [accepted/received] _____ [specify money, goods, personal property, real property, or a right in action] from [name of person], who intended to influence [name of defendant]'s _____ [specify vote, opinion, action, decision, or judgment] on a question, matter, or proceeding, which was pending or which may have been pending,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:2.

Miss. Code Ann. § 97-11-13.

3103 Embezzlement - Converting Property

[Name of defendant] is charged in count _____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was _____ [specify official listed in § 97-11-25]; and
- 3A. [Name of defendant] converted _____ [specify money or thing of value], which came into [name of defendant]'s possession because of [his/her] office or employment, to [his/her] own use;

OR

- 3B. [Name of defendant] failed to immediately turn over _____ [specify money or thing of value], which came into [name of defendant]'s possession because of [his/her] office or employment, when required to do so by a legal obligation, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:4.

Miss. Code Ann. § 97-11-25.

3104 Embezzlement - Refusing to Give Records to Successor in Office

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was _____ [specify official listed in § 97-11-27]; and
 3. [Name of defendant] was required by law to [deliver/give] _____ [specify money, books, records, papers, or other thing] to [name of successor], [name of defendant]'s successor in office; and
 4. [Name of defendant] [intentionally/willfully] and unlawfully [refused/neglected] to [deliver/give] the _____ [specify money, books, records, papers, or other thing] to [name of successor] when [name of successor] [asked for/demanded] the _____ [specify money, books, records, papers, or other thing],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:5.

Miss. Code Ann. § 97-11-27.

3105 Embezzlement - Making a False Entry

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was _____ [specify official listed in § 97-11-29]; and
 3. [Name of defendant] [intentionally/willfully], fraudulently, and unlawfully made a false entry in [a/an/the] _____ [specify record],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:3.

Miss. Code Ann. § 97-11-29.

3106 Embezzlement - Certifying a False Warrant

[Name of defendant] is charged in count _____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was _____ [specify official listed in § 97-11-29]; and
 3. [Name of defendant] [intentionally/willfully], fraudulently, and unlawfully [certified/endorsed] that a warrant on the treasury was genuine, when it was not genuine,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:7.

Miss. Code Ann. § 97-11-29.

3107 Embezzlement - Loaning Public Monies

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was _____ [specify official listed in § 97-11-29]; and
3. [Name of defendant] [intentionally/willfully], fraudulently, and unlawfully loaned public _____ [specify money, security, stocks, or public property] by _____
[describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:8.

Miss. Code Ann. § 97-11-29.

3108 Embezzlement - Defrauding or Attempting to Defraud

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was _____ [specify official listed in § 97-11-29]; and
3. [Name of defendant] [intentionally/willfully] and unlawfully [defrauded/attempted to defraud]

the _____ [specify State of Mississippi, county, city, town, or village] of _____
[specify money, security, or property] by _____ [describe defendant's alleged
actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 11:3.

Miss. Code Ann. § 97-11-29.

3109 Extortion

[Name of defendant] is charged in count ____ with extortion.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was _____ [specify official listed in § 97-11-33]; and
- 3A. [Name of defendant] [intentionally/knowingly] and unlawfully [demanded/took/collected]
_____ [specify money, fee, or reward] under the authority of [his/her] office, which was
not authorized by law;

OR

- 3B. [Name of defendant] [intentionally/knowingly] and unlawfully [demanded/received] a fee for
a service not actually performed,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-11-33.

3110 Influencing Public Officials - Offering Something of Value

[Name of defendant] is charged in count _____ with offering something of value to influence a public official.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [offered/promised/gave/agreed to give] _____ [specify money, property, or something of value] to [name of public official], who was [a/an] _____ [specify official listed in § 97-11-53], or [name of public official]'s [husband/wife], intending to influence [name of public official] to:

A. Award or refuse to award a contract by _____ [specify the entity listed in § 97-11-53]; or

B. [Purchase/Buy/Sell/Lease] property by _____ [specify the entity listed in § 97-11-53]; or

C. [Accomplish/Carry out] an official act involving public money or public trust,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-11-53.

3111 Influencing Public Officials - Receiving Something of Value

[Name of defendant] is charged in count ____ with receiving something of value to influence a public official.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a _____ [specify public official listed in § 97-11-53]; and
- 3A. [Name of defendant] [accepted/received/offered to receive/agreed to receive] _____ [specify money, property, or something of value] from [name of person] as an [incentive/inducement] to:

A. Award or refuse to award a contract by _____ [specify the entity listed in § 97-11-53]; or

B. [Purchase/Buy/Sell/Lease] property by _____ [specify the entity listed in § 97-11-53]; or

C. [Accomplish/Carry out] an official act involving public money or public trust;

OR

- 3B. [Name of defendant's spouse] [accepted/received/offered to receive/agreed to receive] _____ [specify money, property, or something of value] from [name of person], with [name of defendant]'s knowledge and consent, as an [incentive/inducement] for [name of defendant] to:

A. Award or refuse to award a contract by _____ [specify the entity listed in § 97-11-53]; or

B. [Purchase/Buy/Sell/Lease] property by _____ [specify the entity listed in §

97-11-53]; or

C. [Accomplish/Carry out] an official act involving public money or public trust,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-11-53.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 32 Election Crimes

3200 Receiving Gifts to Influence Voting or Election Activities

[Name of defendant] is charged in count ___ with receiving a gift, reward, or promise in order to influence voting or election activities.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was [a/an] _____ [specify voter, manager, clerk, canvasser, or executive officer] attending an election; and
3. [Name of defendant] unlawfully received a _____ [specify gift, reward, or promise] in order to influence [name of defendant]'s _____ [specify vote, opinion, action, or judgment] relating to the election,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ___.

Sources

Miss. Code Ann. § 97-13-1.

3201 Offering Gifts to Influence Voting or Election Activities

[Name of defendant] is charged in count ___ with offering a gift, reward, or promise to influence voting or election activities.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully offered a _____ [specify gift, reward, promise] to [name of person], who was [a/an] _____ [specify voter, manager, clerk, canvasser, or executive officer] attending an election, intending to influence [name of person]'s _____ [specify vote, opinion, action, or judgment] relating to the election, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-13-1.

3202 Falsifying Ballots or Entries in Voting Lists

[Name of defendant] is charged in count ____ with making or allowing false ballots to be made or with making or allowing false entries to be made on voting lists.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a clerk or manager in _____ [specify general or special election]; and
3. [Name of defendant] [intentionally/knowingly] and unlawfully:
 - A. Made a false entry on the voter's list; or
 - B. [Allowed/Consented to] a false entry being made on the voter's list; or
 - C. [Allowed/Permitted] a ballot, which had not been given by a voter, to be put in the ballot box; or
 - D. Took out a ballot from the ballot box; or

E. [Allowed/Permitted] a ballot to be taken out of the ballot box; or

F. [Intentionally/Designedly] [changed/destroyed] ballots given by the voters,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-13-9.

3203 Voting Fraud or Neglect

[Name of defendant] is charged in count ____ with voting fraud or neglect.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was [a/an] _____ [specify manager, clerk, or other officer] [assisting/conducting/engaged in conducting/having a duty related to] an election; and
3. [Name of defendant] [intentionally/designedly] and unlawfully:

A. [Omitted/Did not do] _____ [specify act], an official act required by law; or

B. Did _____ [specify illegal act], an illegal act,

which caused _____ [specify (1) the votes taken at the election to be lost; (2) the voters to be deprived of or lose their right to have their votes counted; or (3) the election to be void],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-13-19.

3204 Voting Fraud or Neglect - Corrupt Conduct

[Name of defendant] is charged in count ____ with voting fraud or neglect.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was [a/an] _____ [specify manager, clerk, or other officer] [assisting/conducting/engaged in conducting/having a duty related to] an election; and
3. [Name of defendant] [intentionally/designedly] and unlawfully _____ [describe defendant's alleged actions], which was corrupt conduct or which indicated partiality in [his/her] official capacity at the election,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-13-19.

3205 Failing to Return Votes

[Name of defendant] is charged in count ____ with failing to return votes cast.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a manager or returning officer, who was required by law to return the

votes cast in an election; and

3. [Name of defendant] unlawfully [failed/refused] to return the votes cast in the election, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-13-23.

3206 Falsely Registering to Vote

[Name of defendant] is charged in count ____ with falsely registering to vote.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully:
 - A. Registered to vote although [name of defendant] is not entitled to be registered to vote;
 - or
 - B. Registered to vote under a false name; or
 - C. Registered to vote in an election district in which [he/she] does not reside,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-13-25.

3207 Refusing to Register a Voter

[Name of defendant] is charged in count ____ with refusing to register a voter or unlawfully registering a voter.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a registrar appointed by law to register voters; and
3. [Name of defendant] intentionally and unlawfully:
 - A. [Refused/Neglected] to register a voter, who was entitled to be registered; or
 - B. Registered a voter, who was not entitled to be registered,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-13-27.

3208 Ordering Armed Troops near an Election Site

[Name of defendant] is charged in count ____ with ordering armed troops to an election site.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a military officer or other official; and
3. [Name of defendant] unlawfully [ordered/brought/kept] armed troops within one (1) mile of _____ [specify election site], where an election was being held; and
4. When [name of defendant] unlawfully [ordered/brought/kept] armed troops within one (1)

mile of _____ [specify election site], it was not for the purpose of stopping a riot or in defense during a time of war, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-13-29.

3209 Voting Multiple Times

[Name of defendant] is charged in count ____ with voting multiple times.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully voted at an election _____ [specify (1) in more than one (1) county or (2) in more than one (1) place in a county, municipality, or other political subdivision], intending to have more than one (1) vote counted in the election,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-13-36.

3210 Preventing Voting

[Name of defendant] is charged in count ____ with preventing a voter from voting.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully used force or threats of force to [prevent/attempt to prevent] [name of voter] from giving [his/her] vote,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-13-39.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 33 Offenses Affecting Highways, Ferries, and Waterways

3300 Accepting Money or Something of Value to Influence

[Name of defendant] is charged in count ____ with accepting money or something of value to influence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] was a Mississippi Transportation Commissioner;

OR

2B. [Name of defendant] was an _____ [specify engineer, agent, or employee] acting on behalf of the Mississippi Transportation Commission; and

3. [Name of defendant] unlawfully [accepted/agreed to accept/received/agreed to receive/solicited/asked for], either directly or indirectly, [a/an] _____ [specify money; contract; undertaking; promise; obligation; gratuity; security for the payment of money; delivery of something of value; political appointment or influence; present; employment reward; or something of value] from [name of person], who intended to influence [name of defendant]'s decision or actions on a question, matter, or proceeding _____ [specify (1) which was pending or (2) which may have been brought] before [name of defendant] in [his/her] official capacity,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-15-3.

3301 Offering Money or Something of Value to Influence

[Name of defendant] is charged in count ____ with offering money or something of value to influence.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [gave/offered to give/promised/procured/obtained to be promised, offered or given], either directly or indirectly, [a/an] _____
[specify money; contract; promise; undertaking; obligation; gratuity; security for the payment of money; delivery of something of value; political appointment or influence, present; employment reward; or something of value] to [name of person], _____ [specify (1) who was a Mississippi Transportation Commissioner or (2) who was an _____ [specify engineer, agent, or employee] acting on behalf of the Mississippi Transportation Commission], intending to influence [name of person]'s decision or actions on a question, matter, or proceeding _____ [specify (1) which was pending or (2) which may have been brought] before [name of person] in [his/her] official capacity,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-15-3.

3302 Defrauding the State - In General

[Name of defendant] is charged in count ____ with defrauding the State of Mississippi.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
 - 2. [Name of defendant] was [a/an] [member/employee] of the Mississippi Transportation Commission; and
 - 3. In performing [his/her] official duties, [name of defendant] [intentionally/knowingly] and unlawfully _____ [describe defendant's alleged actions], intending to defraud the State of Mississippi,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-15-5.

3303 Agreeing to Violate a State Contract with Intent to Defraud the State of Mississippi

[Name of defendant] is charged in count ____ with agreeing to violate a state contract with the intent to defraud the State of Mississippi.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
- 2. [Name of defendant] unlawfully agreed with [name of person], who was [a/an/the] [director/member/employee] of the Mississippi Transportation Commission, to violate a state contract by _____ [describe defendant's alleged actions], intending

to injure or defraud the State of Mississippi,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-15-5.

3304 Violating a State Contract with Intent to Defraud the State of Mississippi

[Name of defendant] is charged in count ____ with violating a state contract with the intent
to defraud the State of Mississippi.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully worked on State Highway
_____ [specify state highway], in violation of a state contract, intending to defraud
the State of Mississippi,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-15-5.

3305 Damaging or Destroying a Levee

[Name of defendant] is charged in count ____ with damaging or destroying a levee.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2A. [Name of defendant] [intentionally/willfully] and unlawfully [cut/broke/damaged/destroyed] a levee, which was constructed by law;

OR

2B. [Name of defendant] maliciously and unlawfully [cut/broke/damaged/destroyed] a levee, which was constructed by law,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-15-25.

3306 Unlawfully Disposing of Solid Waste

[Name of defendant] is charged in count ____ with unlawfully disposing of solid waste.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [threw/scattered/spilled/placed/disposed of/caused to be thrown, scattered, spilled, or placed] solid waste:
 - A. [In/On] a public _____ [specify highway, road, street, alley, or thoroughfare]; or
 - B. [In/On] the right of way of a public _____ [specify highway, road, street, alley, or thoroughfare]; or
 - C. [In/On] public lands; or
 - D. [In/On] a state water body; or

E. [In/On] private property without the owner's prior written consent and the solid waste caused a public nuisance and violated _____ [specify state law, local law, or regulations]; and

3. The solid waste _____ [specify (1) weighed more than 500 pounds; (2) was more than 100 cubic feet in volume; (3) was solid waste for a commercial purpose; or (4) was hazardous waste],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “commercial purpose” means a purpose for economic or financial gain.

Sources

Miss. Code Ann. § 97-15-30.

3307 Unlawfully Disposing of Human Waste

[Name of defendant] is charged in count ____ with unlawfully disposing of human waste.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [threw/scattered/spilled/placed/disposed of/caused to be thrown, scattered, spilled, or placed] raw human waste from a _____ [specify train, airplane, motor vehicle, or motor vessel] _____ [specify (1) upon [public/private]

lands or (2) [in/on] a state water body]; and

3. The raw human waste _____ [specify (1) weighed more than 500 pounds or (2) was more than 100 cubic feet in volume],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-15-30.

3308 Unlawfully Disposing of Solid Waste - Second Offense

[Name of defendant] is charged in count ____ with unlawfully disposing of solid waste.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [threw/scattered/spilled/placed/disposed of/caused to be thrown, scattered, spilled, or placed] solid waste:
 - A. [In/On] a public _____ [specify highway, road, street, alley, or thoroughfare]; or
 - B. [In/On] the right of way of a public _____ [specify highway, road, street, alley, or thoroughfare]; or
 - C. [In/On] public lands; or
 - D. [In/On] a state water body; or
 - E. [In/On] private property without the owner's prior written consent and the solid waste caused a public nuisance and violated _____ [specify state law, local law, or regulations]; and

3. The solid waste _____ [specify (1) weighed more than 500 pounds; (2) was more than 100 cubic feet in volume; (3) was solid waste for a commercial purpose; or (4) was hazardous waste]; and

4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-15-30] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “commercial purpose” means a purpose for economic or financial gain.

Sources

Miss. Code Ann. § 97-15-30.

3309 Unlawfully Disposing of Human Waste - Second Offense

[Name of defendant] is charged in count ____ with unlawfully disposing of human waste.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [threw/scattered/spilled/placed/disposed of/caused to be thrown, scattered, spilled, or placed] raw human waste from a _____ [specify train, airplane, motor vehicle, or motor vessel] _____ [specify (1) upon [public/private] lands or (2)

[in/on] a state water body]; and

3. The raw human waste _____ [specify (1) weighed more than 500 pounds or (2) was more than 100 cubic feet in volume]; and

4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-15-30] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-15-30.

Proposed Mississippi Model Jury Instructions - Criminal

Chapter 34 Crimes Against Property

3400 Arson - First Degree - Dwelling House

[Name of defendant] is charged in count ____ with arson in the first degree.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully], maliciously, and unlawfully [set fire to/burned/caused to be burned/assisted burning/helped burn] [a/an] _____ [specify dwelling house; kitchen, shop, barn, stable, or outhouse that was part of a dwelling house; or state-supported school] owned by [name of owner],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:1.

Miss. Code Ann. § 97-17-1.

3401 Arson - First Degree - Place of Worship

[Name of defendant] is charged in count ____ with arson in the first degree.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully], maliciously, and unlawfully [set fire to/burned/caused to be burned/assisted burning/helped burn] [a/an] _____ [specify

church, temple, synagogue, or other place of worship],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:2.

Miss. Code Ann. § 97-17-3(1).

3402 Arson - First Degree - Use of Explosives to Burn a Place of Worship

[Name of defendant] is charged in count ____ with arson in the first degree.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully destroyed [a/an] _____ [specify church, temple, synagogue, or other place of worship] by using an explosive;

OR

2B. [Name of defendant] unlawfully [aided/helped/counseled/procured] the burning or destruction of [a/an] _____ [specify church, temple, synagogue, or other place of worship] by using an explosive,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:2.

Miss. Code Ann. § 97-17-3(1).

3403 Arson - First Degree - Did Not Call for Assistance

[Name of defendant] is charged in count ____ with arson in the first degree.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] accidentally [set fire to/burned/caused to be burned] [a/an] _____ [specify church, temple, synagogue, place of worship, or state-supported school]; and
3. [Name of defendant] watched the _____ [specify church, temple, synagogue, place of worship, or state-supported school] burn but [intentionally/willfully] and unlawfully did not sound a fire alarm or call the Fire Department or other local authorities for help, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:3.

Miss. Code Ann. § 97-17-3(2).

3404 Arson - Second Degree - Other Building

[Name of defendant] is charged in count ____ with arson in the second degree.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully], maliciously, and unlawfully [set fire

to/burned/caused to be burned/assisted to burn/helped to burn] [a/an] _____
[specify type of building not listed in § 97-17-1 and § 97-17-3] owned by [name of owner],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:4.

Miss. Code Ann. § 97-17-5.

3405 Arson - Third Degree - Personal Property

[Name of defendant] is charged in count ___ with arson in the third degree.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully], maliciously, and unlawfully [set fire to/burned/caused to be burned/assisted to burn/helped to burn] [a/an] _____ [specify personal property] owned by [name of owner]; and
3. The _____ [specify personal property] was valued at \$25.00 or more,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:4.

Miss. Code Ann. § 97-17-7.

3406 Arson - Fourth Degree - Attempted Arson

[Name of defendant] is charged in count ____ with arson in the fourth degree.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/willfully], maliciously, and unlawfully [attempted/committed] an act to [set fire to/burn/cause to be burned/assist burning/help burn] [a/an] _____ [specify dwelling house; kitchen, shop, barn, stable, or outhouse, that was part of, belonging to, or adjoining a dwelling house; state-supported school; church, temple, synagogue, or place of worship; or personal property valued at \$25.00 or more] owned by [name of owner],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:6.

Miss. Code Ann. § 97-17-9.

3407 Arson - Insured Property

[Name of defendant] is charged in count ____ with arson.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully] and unlawfully [set fire to/burned/caused to be burned/assisted burning/helped to burn/attempted to burn] [a/an] _____ [specify

building, structure, or personal property] owned by [name of owner], intending to defraud or harm [name of insurer], [who/which] at the time insured the _____ [specify building, structure, or personal property] against damage or loss by fire, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:7.

Miss. Code Ann. § 97-17-11.

3408 Arson - Intentionally Setting Fire to Woods

[Name of defendant] is charged in count ____ with arson.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully], maliciously, and unlawfully set fire to a _____ [specify woods, meadow, marsh, field, or prairie], which was not owned by [name of defendant],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-13(1).

3409 Arson - Recklessly Setting Fire to Woods

[Name of defendant] is charged in count ____ with arson.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] recklessly and unlawfully [set/caused] fire to a _____ [specify woods, meadow, marsh, field, or prairie], which was not owned by [name of defendant];

OR

2B. [Name of defendant] unlawfully and with gross negligence [set/caused] fire to a _____ [specify woods, meadow, marsh, field, or prairie], which was not owned by [name of defendant], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “recklessly” means that a person had a brush or debris pile or other material which was being burned, and [he/she] did not act with reasonable care to make sure that the fire would not spread onto another person’s property.

In this instruction, “with gross negligence” means that a person had a brush or debris pile or other material which was being burned, and [he/she] did not act with reasonable care to make sure that the fire would not spread onto another person’s property.

Sources

Mississippi Model Jury Instruction - Criminal 12:8.

Miss. Code Ann. § 97-17-13(2).

3410 Arson - Causing Aggravated Assault on a Firefighter or Other Officer

[Name of defendant] is charged in count ____ with aggravated assault on a firefighter or other officer by arson.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully], maliciously, and unlawfully [set fire to/burned/caused to be burned/assisted burning/helped to burn] [a/an] _____ [specify commercial building, residential building, kitchen, shop, barn, stable, outhouse, vehicle, woods, meadow, marsh, field, or prairie] owned by [name of owner]; and
3. [Name of officer] suffered serious bodily injury while performing [his/her] duties, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:11.

Miss. Code Ann. § 97-17-14.

3411 Burglary - Breaking and Entering a Dwelling House

[Name of defendant] is charged in count ____ with burglary.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully broke into and entered a dwelling house or an interior door of

a dwelling house owned by [name of owner] and located at _____
[specify address of dwelling house], intending to commit the crime of _____
[specify the alleged crime] inside the dwelling house,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “broke into” means any act or force, however slight, used to enter through any usual or unusual place of entry, whether open, partly open, or closed.

In this instruction, “entered” means the act of making one’s way into a dwelling house.

In this instruction, “dwelling house” means [a/an] apartment, building, house, or room which the owner considers to be [his/her] dwelling or in which [he/she] intends to live. Any building or structure connected to a dwelling house is considered part of the dwelling house.

Sources

Mississippi Model Jury Instruction - Criminal 12:12.

Miss. Code Ann. § 97-17-23(1).

3412 Burglary - Breaking and Entering a Dwelling House - Under Circumstances Likely to Terrorize

[Name of defendant] is charged in count ____ with burglary in such a way that is likely to terrorize a person inside the dwelling house.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. Intending to commit the crime of _____ [specify the alleged crime] inside a dwelling house, [name of defendant] unlawfully broke into and entered [an/the] _____ [specify dwelling house or interior door of a dwelling house] owned by [name of owner] and located at _____ [specify address of dwelling house], in a way that was likely to terrorize [name of person], who was inside the dwelling house, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “broke into” means any act or force, however slight, used to enter through any usual or unusual place of entry, whether open, partly open, or closed.

In this instruction, “entered” means the act of making one’s way into a dwelling house.

In this instruction, “dwelling house” means [a/an] apartment, building, house, or room which the owner considers to be [his/her] dwelling or in which [he/she] intends to live. Any building or structure connected to a dwelling house is considered part of the dwelling house.

Sources

Mississippi Model Jury Instruction - Criminal 12:14.

Miss. Code Ann. § 97-17-23(2).

3413 Burglary - Breaking out of a Dwelling House

[Name of defendant] is charged in count ____ with burglary.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was in a dwelling house owned by [name of owner] and located at _____ [specify address of dwelling house]; and
3. [Name of defendant] committed _____ [specify the alleged crime] inside the dwelling house; and
4. Then [name of defendant] unlawfully broke an _____ [specify exterior door or another part of the dwelling house] to get out of the dwelling house, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “broke” means any act or force, however slight, used to enter through any usual or unusual place of entry, whether open, partly open, or closed.

In this instruction, “dwelling house” means [a/an] apartment, building, house, or room which the owner considers to be [his/her] dwelling or in which [he/she] intends to live. Any building or structure connected to a dwelling house is considered part of the dwelling house.

Sources

Mississippi Model Jury Instruction - Criminal 12:15.

Miss. Code Ann. § 97-17-25.

3414 Burglary - Breaking an Interior Door in a Dwelling House

[Name of defendant] is charged in count ____ with burglary.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was legally in a dwelling house, which was owned by [name of owner] and located at _____ [specify address of dwelling house]; and
 3. Then [name of defendant] unlawfully broke an interior door inside the dwelling house, intending to commit the crime of _____ [specify the alleged crime],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “broke” means any act or force, however slight, used to enter through any usual or unusual place of entry, whether open, partly open, or closed.

In this instruction, “dwelling house” means [a/an] apartment, building, house, or room which the owner considers to be [his/her] dwelling or in which [he/she] intends to live. Any building or structure connected to a dwelling house is considered part of the dwelling house.

Sources

Mississippi Model Jury Instruction - Criminal 12:17.

Miss. Code Ann. § 97-17-29.

3415 Burglary - Breaking and Entering a Building Other than a Dwelling House

[Name of defendant] is charged in count ____ with burglary.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully broke into and entered [a/an] _____ [specify building or item listed in § 97-17-33] owned by [name of owner] and located at _____ [specify address of building or item], where [goods/merchandise/equipment] [was/were] kept for [use/sale/deposit/transportation], intending to steal or commit the crime of _____ [specify the alleged crime], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “broke into” means any act or force, however slight, used to enter through any usual or unusual place of entry, whether open, partly open, or closed.

In this instruction, “entered” means the act of making one’s way into a _____ [specify building or item listed in § 97-17-33].

Sources

Mississippi Model Jury Instruction - Criminal 12:18.

Miss. Code Ann. § 97-17-33(1).

3416 Burglary - Breaking and Entering the Curtilage of a Dwelling House

[Name of defendant] is charged in count ____ with burglary.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully broke into and entered [a/an] _____ [specify the building] within the curtilage of a dwelling house owned by [name of owner] and located at _____ [specify address of dwelling house], intending to commit the crime of _____ [specify the alleged crime],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “broke into” means any act or force, however slight, used to enter through any usual or unusual place of entry, whether open, partly open, or closed.

In this instruction, “entered” means the act of making one’s way into a _____ [specify curtilage listed in § 97-17-33].

In this instruction, “curtilage” means the area next to a person’s home and includes the yard, a garden, and other areas for any outbuildings.

In this instruction, “dwelling house” means [a/an] apartment, building, house, or room which the owner considers to be [his/her] dwelling or in which [he/she] intends to live. Any building or structure connected to a dwelling house is considered part of the dwelling house.

Sources

Mississippi Model Jury Instruction - Criminal 12:18.

Miss. Code Ann. § 97-17-33(1).

3417 Burglary - Breaking and Entering a Place of Worship

[Name of defendant] is charged in count ____ with burglary.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully broke into and entered [a/an] _____ [specify church, synagogue, temple, or other place of worship] owned by [name of owner] and located at _____ [specify address], intending to commit the crime of _____ [specify the alleged crime],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “broke into” means any act or force, however slight, used to enter through any usual or unusual place of entry, whether open, partly open, or closed.

In this instruction, “entered” means the act of making one’s way into a _____ [specify place of worship listed in § 97-17-33].

Sources

Mississippi Model Jury Instruction - Criminal 12:18.

Miss. Code Ann. § 97-17-33(2).

3418 Possessing Burglary Tools

[Name of defendant] is charged in count ____ with possessing burglary tools.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully possessed tools, instruments, or implements designed to [help/aid] commit burglary, larceny, or robbery,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:19.

Miss. Code Ann. § 97-17-35.

3419 Burglary - Using Explosives

[Name of defendant] is charged in count ____ with burglary.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully broke into and entered [a/an] _____ [specify building] owned by [name of owner] and located at _____ [specify address of building], intending to commit the crime of _____ [specify the alleged crime]; and
 4. [Name of defendant] used _____ [specify nitroglycerine, dynamite, gunpowder, or other explosive] to [open/attempt to open] a safe, vault, or other secure place,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:20.

Miss. Code Ann. § 97-17-37.

3420 Vandalizing a Public Building or Other Property

[Name of defendant] is charged in count ____ with vandalizing a public building.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/willfully] and unlawfully [injured/destroyed]

_____ [describe items or property specified in § 97-17-39] by _____

[describe defendant's alleged actions];

OR

2B. [Name of defendant] mischievously and unlawfully [injured/destroyed] _____

[describe items or property specified in § 97-17-39] by _____ [describe

defendant's alleged actions]; and

3. The _____ [describe items or property specified in § 97-17-39] [was/were] valued at

\$300.00 or more,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-39.

3421 Larceny - Grand or Petit

[Name of defendant] is charged in count ___ with [grand/petit] larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully took and carried away _____ [describe the allegedly stolen personal property], intending to permanently keep the _____ [describe the allegedly stolen personal property]; and
 3. The _____ [describe the allegedly stolen personal property] [was/were] valued at _____ [specify (1) less than \$500.00 or (2) \$500.00 or more] and owned by [name of owner],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:21.

Miss. Code Ann. § 97-17-41(1) and § 97-17-43.

3422 Larceny - Grand or Petit - From a Place of Worship

[Name of defendant] is charged in count ___ with [grand/petit] larceny from a place of worship.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully took and carried away _____ [describe the

allegedly stolen property], intending to permanently keep the _____ [describe the allegedly stolen property]; and

3. The _____ [describe the allegedly stolen property] [was/were] valued at _____ [specify (1) less than \$500.00 or (2) \$500.00 or more] and belonged to _____ [specify the church, synagogue, temple, or other place of worship], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-41(2) and § 97-17-43.

3423 Taking a Motor Vehicle (Car Theft)

[Name of defendant] is charged in count ____ with taking a motor vehicle.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Without authority, [name of defendant] [intentionally/willfully] and unlawfully [took/took possession of] a motor vehicle, which was owned by [name of owner], intending:
 - A. To permanently or temporarily [keep/convert] the motor vehicle; or
 - B. To permanently or temporarily [keep/deprive] [name of owner] from possessing the motor vehicle,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-42.

3424 Assisting in Taking a Motor Vehicle (Car Theft)

[Name of defendant] is charged in count ____ with assisting in taking a motor vehicle.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [assisted/helped/aided/abetted] [name of person] [take/take possession of] a motor vehicle owned by [name of owner],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-42.

3425 Larceny - Severing Crops

[Name of defendant] is charged in count ____ with larceny by severing crops.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully cut or severed _____ [specify the crop or produce] owned by [name of owner] and growing in the soil; and
3. [Name of defendant] unlawfully took and converted the _____ [specify the crop or produce] for [his/her] own use, intending to steal the _____ [specify the crop or produce];
and

4. The _____ [specify the crop or produce] [was/were] valued at \$500.00 or more, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:22.

Miss. Code Ann. § 97-17-47.

3426 Larceny - Severing a Gate, Fence, Railing, or Other Improvement

[Name of defendant] is charged in count ____ with larceny by severing a gate, fence, railing, or other improvement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully cut or severed [a/an] _____ [specify the gate, fence, railing, or other improvement], which was attached to a building; and
3. [Name of defendant] unlawfully took and converted the _____ [specify the gate, fence, railing, or other improvement] for [his/her] own use, intending to steal the _____ [specify the gate, fence, railing, or other improvement]; and
4. The _____ [specify the gate, fence, railing, or other improvement] [was/were] valued at \$500.00 or more, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:22.

Miss. Code Ann. § 97-17-47.

3427 Larceny - Stealing a Dog

[Name of defendant] is charged in count ____ with larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully stole, took, and carried away a dog owned by [name of owner],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-51.

3428 Larceny - Stealing Livestock

[Name of defendant] is charged in count ____ with larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully took livestock owned by [name of owner], without [name of owner]'s consent;

OR

- 2B. [Name of defendant] unlawfully took livestock owned by [name of owner], by fraudulent

conduct, practices, or representations,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:23.

Miss. Code Ann. § 97-17-53.

3429 Larceny - Stealing Timber

[Name of defendant] is charged in count ____ with larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully took, stole, and carried away merchantable timber from [name of owner]'s land; and
3. The timber was valued at \$250.00 or more,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:23.

Miss. Code Ann. § 97-17-59.

3430 Larceny - Failing to Pay Owner for Timber Product

[Name of defendant] is charged in count ____ with larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [got/acquired] [a/an] _____ [specify the timber product] from [name of owner] with [his/her] consent, and [name of defendant] received payment for the _____ [specify the timber product]; but
3. [Name of defendant] unlawfully failed to give the payment for the _____ [specify the timber product] to [name of owner] within 30 days; and
4. On or about [date of notification], [name of owner] notified [name of defendant] of [name of owner]'s demand for payment; and
5. More than ten (10) days passed and [name of defendant] did not pay [name of owner]; and
6. The _____ [specify the timber product] [was/were] valued at more than \$500.00, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-60.

3431 Larceny - Stealing Rental Property

[Name of defendant] is charged in count ___ with larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [got/obtained] _____ [specify the personal property or equipment] by _____ [specify trick, deception, fraud, or intentional or willful

false representation], _____ [specify (1) intending to defraud [name of owner] or (2) intending to defraud another person who lawfully possessed the _____ [specify the personal property or equipment]]; and

3. The _____ [specify the personal property or equipment] [was/were] valued at \$500.00 or more,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-62.

3432 Larceny - Rental Agreement Fraud

[Name of defendant] is charged in count ____ with larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully [hired/leased] _____ [specify the personal property or equipment] from [name of person], who legally possessed the _____ [specify the personal property or equipment], intending to defraud [name of person] of the rental amount due under the rental agreement; and

3. The _____ [specify the personal property or equipment] [was/were] valued at \$500.00 or more,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-62.

3433 Larceny - Abandoning or Refusing to Deliver Rental Property

[Name of defendant] is charged in count ____ with larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully abandoned _____ [specify the personal property] under a rental agreement, without [name of lessor]'s [consent/permission], intending to defraud [name of lessor];

OR

- 2B. [Name of defendant] [intentionally/willfully] and unlawfully refused to redeliver _____ [specify the personal property] under a rental agreement, without [name of lessor]'s [consent/permission], intending to defraud [name of lessor]; and

3. The _____ [specify the personal property] [was/were] valued at \$500.00 or more, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-62.

3434 Larceny - By Tenants in Common

[Name of defendant] is charged in count ____ with larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 - 2A. [Name of defendant] was a tenant in common of _____ [specify the personal property];
- OR
- 2B. [Name of defendant] was a person with an interest in _____ [specify the personal property], which [name of person] also had an interest; and
 3. [Name of defendant] unlawfully [sold/gave way/hid/concealed/converted/disposed of] the _____ [specify the personal property], intending to defraud [name of co-tenant or other person with an interest in the personal property]; and
 4. The _____ [specify the personal property] [was/were] valued at \$500.00 or more, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:25.

Miss. Code Ann. § 97-17-63.

3435 Larceny - Withholding Property Under a Rental Agreement

[Name of defendant] is charged in count ___ with larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [got/obtained] _____ [specify the personal property] under a lease

or rental agreement; and

3. [Name of defendant] [exercised/used/had] unauthorized control over the _____
[specify the personal property], intending to deprive [name of owner] from using the
_____ [specify the personal property] by unlawfully:

A. Withholding [name of owner]'s property permanently or for a period of time that
would cause [name of owner] to lose the _____ [specify the personal property]'s
economic value, use, or benefit; or

B. Withholding the _____ [specify the personal property] only to return it to
[name of owner] after payment of a reward or other compensation; or

C. [Concealing/Abandoning/Hiding/Disposing of] the _____ [specify the
personal property] so that it was unlikely that [name of owner] would recover it; or

D. [Selling/Giving/Pledging/Transferring] an interest in the property; and

4. The _____ [specify the personal property] [was/were] valued at \$250.00 or more,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:26.

Miss. Code Ann. § 97-17-64.

3436 Looting

[Name of defendant] is charged in count ____ with looting.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] entered into [a/an] _____ [specify home, dwelling, premises, commercial, mercantile, business, or industrial building, plant, or establishment] where security for the property was not present because of [a/an] _____ [specify hurricane, fire, major event, riot, mob, or other human agency], without the owner's authority or lawful authority; and
- 3A. [Name of defendant] unlawfully [got/obtained/exerted] control over property belonging to [name of owner];

OR

- 3B. [Name of defendant] unlawfully [damaged/harmed/injured/removed] property belonging to [name of owner],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:28.

Miss. Code Ann. § 97-17-65.

3437 Malicious Mischief

[Name of defendant] is charged in count ____ with malicious mischief.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] maliciously and unlawfully

[destroyed/disfigured/harmed/injured/damaged/caused to be destroyed, disfigured, or injured]
_____ [specify the real or personal property] owned by [name of owner];

OR

2B. [Name of defendant] mischievously and unlawfully
[destroyed/disfigured/harmed/injured/damaged/caused to be destroyed, disfigured, or injured]
_____ [specify the real or personal property] owned by [name of owner];

and

3. The _____ [specify the real or personal property] [was/were] valued at more than
\$500.00,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-67.

3438 Receiving Stolen Property

[Name of defendant] is charged in count ____ with receiving stolen property.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] intentionally [possessed/received/retained/disposed of]

_____ [specify the allegedly stolen property] _____

[specify (1) knowing that it had been stolen or (2) having reasonable grounds to believe it was
stolen]; and

3. [Name of defendant] did not [possess/receive/retain/dispose of] the _____
[specify the allegedly stolen property] intending to [return/restore] it to [name of owner]; and
4. The _____ [specify the allegedly stolen property] [was/were] valued at
more than \$500.00,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instruction - Criminal 12:27.

Miss. Code Ann. § 97-17-70.

3439 Falsely Claiming to Own Metal Property and Receiving Money in Exchange for It

[Name of defendant] is charged in count ____ with falsely claiming to own metal property
and receiving money or other consideration for it.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/willfully/knowingly] and unlawfully [gave/made] a false
statement about ownership of _____ [describe metal property];

OR

- 2B. [Name of defendant] [intentionally/willfully/knowingly] and unlawfully gave a false or
[altered/changed] identification or vehicle tag number to receive [money/consideration] for
_____ [describe metal property]; and

3. [Name of defendant] received more than \$500.00 or other [consideration/financial benefit]

worth more than \$500.00 in [exchange/return] for the _____ [describe metal property] from [name of scrap metal dealer or other purchaser], a scrap metal dealer or other purchaser, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “metal property” means materials such as railroad track materials; copper materials; aluminum materials; electrical, communications, or utility brass; stainless steel sinks; catalytic converters not attached to a motor vehicle; and metal beer kegs.

In this instruction, “scrap metal dealer” means a person who is in the business of paying money or other compensation for metal property which has served its original economic purpose.

In this instruction, “purchaser” means a person who gives [money/consideration/financial benefit] in exchange for metal property.

Sources

Miss. Code Ann. § 97-17-71(7) and (15).

3440 Unlawfully Transporting Metal Property

[Name of defendant] is charged in count ____ with unlawfully transporting metal property.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/willfully/knowingly] and unlawfully transported _____ [describe metal property] for [himself/herself/another person] from any point

inside the State of Mississippi to any point outside the State of Mississippi;

OR

2B. [Name of defendant] [intentionally/willfully/knowingly] and unlawfully caused _____ [describe metal property] to be transported for [himself/herself/another person] from any point inside the State of Mississippi to any point outside the State of Mississippi; and

3. [Name of defendant] did not report the transportation of the _____ [describe metal property] to the sheriff of _____ County where the _____ [describe metal property] was leaving; and

4. The _____ [describe metal property] [was/were] valued at more than \$500.00, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “metal property” means materials such as railroad track materials; copper materials; aluminum materials; electrical, communications, or utility brass; stainless steel sinks; catalytic converters not attached to a motor vehicle; and metal beer kegs.

Sources

Miss. Code Ann. § 97-17-71(10) and (15).

3441 Unlawfully Buying or Possessing a Metal Beer Keg or Metal Syrup Tank

[Name of defendant] is charged in count ____ with unlawfully buying or possessing a metal beer keg or metal syrup tank.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was a scrap metal dealer or other purchaser; and
 3. [Name of defendant] [intentionally/knowingly] and unlawfully [bought/purchased/possessed] a _____ [specify metal beer keg, metal syrup tank used by the soft drink industry, or reasonably recognizable part of a metal beer keg or metal syrup tank], without a bill of sale from the manufacturer, soft drink company, or distributor, on the premises that [name of defendant] used to buy, sell, store, shred, melt, cut, or alter scrap metal; and
 4. The _____ [specify metal beer keg, metal syrup tank used by the soft drink industry, or reasonably recognizable part of a metal beer keg or metal syrup tank] [was/were] valued at more than \$500.00,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “scrap metal dealer” means a person who is in the business of paying money or other compensation for metal property which has served its original economic purpose.

In this instruction, “purchaser” means a person who gives [money/consideration/financial benefit] in exchange for metal property.

Sources

Miss. Code Ann. § 97-17-71(11) and (15).

3442 Unlawfully Selling a Bronze Vase or Marker

[Name of defendant] is charged in count ___ with unlawfully selling a bronze vase or marker.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/willfully/knowingly] and unlawfully sold a bronze _____ [specify vase, marker, memorial, statue, plaque, or other bronze object], which was used at a cemetery or other place where people are interred or memorialized, to [name of scrap metal dealer], who was a scrap metal dealer; and
 3. [Name of scrap metal dealer] did not know where the _____ [specify vase, marker, memorial, statue, plaque, or other bronze object] came from and did not give notice to _____ [specify the municipal or county law enforcement agency where the dealer is located]; and
 4. The _____ [specify vase, marker, memorial, statue, plaque, or other bronze object] was valued at more than \$500.00,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ___.

Definition(s) in this Instruction:

In this instruction, “scrap metal dealer” means a person who is in the business of paying money or other compensation for metal property which has served its original economic purpose.

Sources

Miss. Code Ann. § 97-17-71(12) and (15).

3443 Unlawfully Buying a Bronze Vase or Marker

[Name of defendant] is charged in count ___ with unlawfully buying a bronze vase or marker.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was a scrap metal dealer; and
 3. [Name of defendant] [intentionally/willfully/knowingly] and unlawfully [bought/purchased] a bronze _____ [specify vase, marker, memorial, statue, plaque, or other bronze object], which was used at a cemetery or other place where people are interred or memorialized; and
 4. [Name of defendant] did not know where the _____ [specify vase, marker, memorial, statue, plaque, or other bronze object] came from and did not give notice to _____ [specify the municipal or county law enforcement agency where the dealer is located]; and
 4. The _____ [specify vase, marker, memorial, statue, plaque, or other bronze object] was valued at more than \$500.00,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ___.

Definition(s) in this Instruction:

In this instruction, “scrap metal dealer” means a person who is in the business of paying

money or other compensation for metal property which has served its original economic purpose.

Sources

Miss. Code Ann. § 97-17-71(12) and (15).

3444 Unlawfully Buying Metal Property from a Person less than 18 Years Old

[Name of defendant] is charged in count ___ with unlawfully buying metal property from a person who [is/was] less than 18 years old.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was a scrap metal dealer or other purchaser; and
 3. [Name of defendant] [intentionally/willfully/knowingly] and unlawfully bought metal property from [name of person], who was less than 18 years old; and
 4. The metal property was valued at more than \$500.00,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ___.

Definition(s) in this Instruction:

In this instruction, “metal property” means materials such as railroad track materials; copper materials; aluminum materials; electrical, communications, or utility brass; stainless steel sinks; catalytic converters not attached to a motor vehicle; and metal beer kegs.

In this instruction, “scrap metal dealer” means a person who is in the business of paying money or other compensation for metal property which has served its original economic purpose.

In this instruction, “purchaser” means a person who gives [money/consideration/financial benefit] in exchange for metal property.

Sources

Miss. Code Ann. § 97-17-71(13).

3445 Failing to Register as a Scrap Metal Dealer - Second or Subsequent Offense

[Name of defendant] is charged in count ___ with failing to register as a scrap metal dealer.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was a scrap metal dealer or other purchaser _____
[specify (1) who [bought/purchased] scrap metal property; (2) who dealt in scrap metal property; or (3) who worked in the scrap metal business]; and
 3. [Name of defendant] unlawfully failed to register with the Mississippi Secretary of State; and
 4. [Name of defendant] was previously convicted of unlawfully failing to register with the Mississippi Secretary of State in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] [and of unlawfully failing to register with the Mississippi Secretary of State in _____ [list court and details of previous conviction] on _____ [list date of previous conviction]],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ___.

Definition(s) in this Instruction:

In this instruction, “metal property” means materials such as railroad track materials; copper materials; aluminum materials; electrical, communications, or utility brass; stainless steel sinks; catalytic converters not attached to a motor vehicle; and metal beer kegs.

In this instruction, “scrap metal dealer” means a person who is in the business of paying money or other compensation for metal property which has served its original economic purpose.

In this instruction, “purchaser” means a person who gives [money/consideration/financial benefit] in exchange for metal property.

Sources

Miss. Code Ann. § 97-17-71.1(1)(a) and (2).

3446 Removing Personal Property Which Had a Lien Attached

[Name of defendant] is charged in count ___ with [removing/concealing/selling] personal property which had a lien attached to it.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully [removed/caused to be removed/aided removing/assisted removing/helped remove] [a/an] _____ [specify the personal property which had a lien attached] knowing that it was subject to [a/an] _____ [specify pledge, mortgage, deed of trust, conditional sales contract, lien of a lessor of lands, lien by a judgment, or other lien], from _____ County, without the [consent/permission] of [name of lien holder], the lien holder, and intending to defraud [name of lien holder];

OR

2B. [Name of defendant] unlawfully [concealed/hid/secreted] [a/an] _____ [specify the personal property which had a lien attached] knowing that it was subject to [a/an] _____ [specify pledge, mortgage, deed of trust, conditional sales contract, lien of a lessor of lands, lien by a judgment, or other lien], without the [consent/permission] of [name of lien holder], the lien holder, and intending to defraud [name of lien holder];

OR

2C. [Name of defendant] unlawfully [sold/disposed of] [a/an] _____ [specify the personal property which had a lien attached] knowing that it was subject to [a/an] _____ [specify pledge, mortgage, deed of trust, conditional sales contract, lien of a lessor of lands, lien by a judgment, or other lien], without the [consent/permission] of [name of lien holder], the lien holder, and intending to defraud [name of lien holder],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-75.

3447 Removing Personal Property Which Had a Lien Attached - Out of State

[Name of defendant] is charged in count ____ with removing personal property which had a lien attached to it out of the state.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [removed/caused to be removed] [a/an] _____

[specify the personal property which had a lien attached], which was under [a/an] _____
[specify written pledge, mortgage, deed of trust, conditional sales contract, lien by judgment, or
other lien in this state], to outside the State of Mississippi, intending to defraud [name of lien
holder], the lien holder; and

3. The _____ [specify the personal property which had a lien attached] [was/were]
valued at \$400.00 or more,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-77.

3448 Trespass - On Property Where Dangerous Devices Are Manufactured

[Name of defendant] is charged in count ____ with trespass.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully] and unlawfully [entered/trespassed] on the
premises of [name of person, firm, or corporation], [who/which]
[manufactures/constructs/erects/assembles/maintains/repairs/operates] _____
[specify nuclear powered machinery, equipment, or vessels; rockets; missiles; propulsion
systems; explosives; or other dangerous devices or parts of dangerous devices], intending:
 - A. To commit the crime of _____ [specify the alleged crime]; or
 - B. To [agree/conspire] to commit the crime of _____ [specify the alleged crime]; or

C. To attempt to commit the crime of _____ [specify the alleged crime],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-17-95.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 35 False Pretenses and Cheats

3500 Using a Credit Card or Credit Card Number with the Intent to Defraud - Less than \$100.00 - Second or Subsequent Offense

[Name of defendant] is charged in count ____ with using a credit card, credit card number, or [forged/fake] credit card with the intent to defraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully used a _____ [specify credit card, credit card number, or [forged/fake] credit card] to [receive/obtain/get] _____ [specify money, goods, property, services, or something of value], which [was/were] valued at less than \$100.00, intending to defraud the _____ [specify credit card owner; credit card issuer; person who provided the money, goods, property, services, or something of value; or organization which provided the money, goods, property, services, or something of value]; and
3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-19-21] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] [and of _____ [specify violation of § 97-19-21] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction]],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-21(1)(a) and (3)(b).

3501 Using a Credit Card or Credit Card Number with the Intent to Defraud - \$100.00 or More

[Name of defendant] is charged in count ____ with using a credit card, credit card number, or [forged/fake] credit card with the intent to defraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully used a _____ [specify credit card, credit card number, or [forged/fake] credit card] to [receive/obtain/get] _____ [specify money, goods, property, services, or something of value], which [was/were] valued at \$100.00 or more, intending to defraud the _____ [specify credit card owner; credit card issuer; person who provided the money, goods, property, services, or something of value; or organization which provided the money, goods, property, services, something of value], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-21(1)(a) and (3)(c).

3502 Receiving Money or Goods with the Intent to Defraud - Less Than \$100.00 - Second or Subsequent Offense

[Name of defendant] is charged in count ____ with using a credit card with the intent to

defraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [received/obtained/got] _____ [specify money, goods, property, services, or something of value], which [was/were] valued at less than \$100.00, by:

A. Representing that [name of defendant] was the credit card owner without the credit card owner's consent; or

B. Representing that [name of defendant] was the credit card owner knowing that no credit card had been issued; or

C. Representing that [name of defendant] was authorized to use the credit card or the credit card number,

intending to defraud the _____ [specify credit card owner; credit card issuer; person who provided the money, goods, property, services, or something of value; or organization which provided the money, goods, property, services, something of value]; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-19-21] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] [and of _____ [specify violation of § 97-19-21] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction]],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-21(1)(b) and (3)(b).

3503 Receiving Money or Goods with the Intent to Defraud - \$100.00 or More

[Name of defendant] is charged in count ____ with using a credit card with the intent to defraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [received/obtained/got] _____ [specify money, goods, property, services, or something of value], which [was/were] valued at \$100.00 or more, by:

A. Representing that [name of defendant] was the credit card owner without the credit card owner's consent; or

B. Representing that [name of defendant] was the credit card owner knowing that no credit card had been issued; or

C. Representing that [name of defendant] was authorized to use the credit card or the credit card number,

intending to defraud the _____ [specify credit card owner; credit card issuer; person who provided the money, goods, property, services, or something of value; or organization which provided the money, goods, property, services, something of value],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-21(1)(b) and (3)(c).

3504 Receiving Money from an Automatic Cash Dispensing Machine (ATM) with the Intent to Defraud - Less Than \$100.00 - Second or Subsequent Offense

[Name of defendant] is charged in count ____ with receiving money from an automatic cash dispensing machine with the intent to defraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully used a credit card to [receive/obtain/get] less than \$100.00 from an automatic (unmanned) cash dispensing machine, an ATM, intending to defraud the _____ [specify credit card owner or credit card issuer]; and
3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-19-21] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] [and of _____ [specify violation of § 97-19-21] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction]],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-21(2) and (3)(b).

3505 Receiving Money from an Automatic Cash Dispensing Machine with the Intent to Defraud - \$100.00 or More

[Name of defendant] is charged in count ____ with using a credit card with the intent to defraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully used a credit card to [receive/obtain/get] \$100.00 or more from an automatic (unmanned) cash dispensing machine, an ATM, intending to defraud the _____ [specify credit card owner or credit card issuer],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-21(2) and (3)(c).

3506 False Personation

[Name of defendant] is charged in count ____ with false personation.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [represented/personated] [himself/herself] falsely to be [name of person]; and
3. [Name of defendant] using [name of person]'s name:
 - A. Married [name of person]; or
 - B. Acted as a [bail/surety] for [name of person] in a [civil/criminal] proceeding before [name of court or officer authorized to accept bails or surety]; or

C. [Admitted/Confessed] to _____ [describe judgment to which the defendant admitted]; or

D. Acknowledged _____ [describe the conveyance of real estate or other instrument that which is required by law to be recorded]; or

E. Acted in a way during _____ [specify the suit, proceeding, or prosecution] that would make [name of person] financially responsible for _____ [specify debt, damages, costs, or sums of money]; or

F. Acted in a way during _____ [specify the suit, proceeding, or prosecution] that affected [name of person]'s legal rights,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 13:1.

Miss. Code Ann. § 97-19-33.

3507 False Personation to Receive Money or Property

[Name of defendant] is charged in count ____ with false personation.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [represented/personated] [himself/herself] falsely to be [name of person]; and
3. [Name of defendant] using [name of person]'s name received _____ [describe money or

property], which was intended to be delivered to [name of person],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 13:2.

Miss. Code Ann. § 97-19-35.

3508 Obtaining Someone's Signature with the Intent to Defraud

[Name of defendant] is charged in count ____ with obtaining [name of person]'s signature
with the intent to defraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/designedly] and unlawfully [obtained/got] [name of person]'s signature on a _____ [specify the written instrument], by _____
[describe the defendant's alleged actions using a false token or writing or other false pretense],
intending to cheat or defraud [name of person]; and
3. The _____ [specify the written instrument] was valued at \$500.00 or more,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 13:3.

Miss. Code Ann. § 97-19-39(2).

3509 Obtaining Money or Property with the Intent to Defraud

[Name of defendant] is charged in count ____ with obtaining money or valuable property with the intent to defraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/designedly] and unlawfully [obtained/got] _____ [specify money, personal property, or valuable thing], by _____ [describe the defendant's alleged actions using a false token or writing or other false pretense], intending to cheat or defraud [name of person]; and
 3. The _____ [specify money, personal property, or valuable thing] [was/were] valued at \$500.00 or more,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 13:3.

Miss. Code Ann. § 97-19-39(3).

3510 Producing a Child with the Intent to Take an Inheritance

[Name of defendant] is charged in count ____ with producing a child with the intent to take an inheritance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] fraudulently produced an infant; and
3. [Name of defendant] unlawfully and falsely pretended that the infant was the child of [name of parents], whose child was entitled:

A. To a part of a personal estate, intending to [get/intercept] the distribution of the personal property from someone legally entitled to it; or

B. To inherit real estate, intending to [get/intercept] the inheritance of the real estate from someone legally entitled to it,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 13:4.

Miss. Code Ann. § 97-19-45.

3511 Receiving Deposits When Bank is Insolvent - Officer or Employee

[Name of defendant] is charged in count ____ with receiving deposits into an insolvent bank.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was an _____ [specify employee or officer] of [name of bank]; and
3. [Name of defendant] unlawfully received a deposit from [name of depositor], knowing or having reason to know that [name of bank] was insolvent,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “insolvent” means that the bank did not have enough cash to pay its debts.

Sources

Mississippi Model Jury Instruction - Criminal 13:5.

Miss. Code Ann. § 97-19-47.

3512 Receiving Deposits When Bank is Insolvent - Owner

[Name of defendant] is charged in count ____ with receiving deposits into an insolvent bank.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was the owner of [name of bank]; and
3. [Name of defendant] unlawfully received a deposit from [name of depositor], knowing that [name of bank] was insolvent,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “insolvent” means that the bank did not have enough cash to pay its debts.

Sources

Mississippi Model Jury Instruction - Criminal 13:5.

Miss. Code Ann. § 97-19-47.

3513 Selling Property Previously Sold or Encumbered

[Name of defendant] is charged in count ____ with false pretenses.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully [sold/bartered/exchanged/mortgaged/gave a deed of trust on] _____ [specify the real or personal property], which [name of defendant] had previously [sold/bartered/exchanged/obligated to sell, barter, or exchange], to [name of person] without informing [name of person] about the state of the property as affected by [name of defendant]'s actions;

OR

2B. [Name of defendant] unlawfully [sold/bartered/exchanged/mortgaged/gave a deed of trust on] _____ [specify the real or personal property], which [name of defendant] had previously [mortgaged/encumbered], to [name of person] without informing [name of person] about the state of the property as affected by [name of defendant]'s actions or the encumbrance;

OR

2C. [Name of defendant] unlawfully [sold/bartered/exchanged/mortgaged/gave a deed of trust

on] _____ [specify the real or personal property], which [name of defendant] knew had a lien on the property, to [name of person] without informing [name of person] about the state of the property as affected by the lien,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 13:6.

Miss. Code Ann. § 97-19-51.

3514 Substituting a Child to Deceive the Parent or Guardian

[Name of defendant] is charged in count ____ with substituting a child to deceive a parent or guardian.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of parent or guardian] [entrusted/gave] [name of child], who was under the age of six (6) years old, to [name of defendant] for _____ [specify nursing, educating, or other purpose]; and
3. [Name of defendant] unlawfully substituted and presented [name of substituted child] to [name of parent or guardian], intending to deceive [name of parent or guardian],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 13:7.

Miss. Code Ann. § 97-19-53.

3515 Bad Checks - Insufficient Funds

[Name of defendant] is charged in count ____ with issuing a bad check.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully and with fraudulent intent

[made/wrote/drew/issued/passed/uttered/delivered] a _____ [specify check, draft, or order]

drawn on a [real/fictitious] _____ [specify bank, corporation, firm, or person] to

[obtain/get] _____ [specify money, delivery of valuable property, services, use of property,

or credit at a gaming establishment], knowing that the person who [made/wrote/drew] the

_____ [specify check, draft, or order] did not have sufficient funds in or on deposit with the

_____ [specify bank, corporation, firm, or person] for payment of the _____ [specify

check, draft, or order] and all the other outstanding _____ [specify checks, drafts, or orders]

[made/written/drawn] on the funds,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 13:8.

Miss. Code Ann. § 97-19-55(1)(a).

3516 Bad Checks - Insufficient Funds - Third or More Offense

[Name of defendant] is charged in count ____ with issuing a bad check.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully and with fraudulent intent

[made/wrote/drew/issued/passed/uttered/delivered] a _____ [specify check, draft, or order]

drawn on a [real/fictitious] _____ [specify bank, corporation, firm, or person] to

[obtain/get] _____ [specify money, delivery of valuable property, services, use of property,

or credit at a gaming establishment], knowing that the person who [made/wrote/drew] the

_____ [specify check, draft, or order] did not have sufficient funds in or on deposit with the

_____ [specify bank, corporation, firm, or person] for payment of the _____ [specify

check, draft, or order] and all the other outstanding _____ [specify checks, drafts, or orders]

[made/written/drawn] on the funds; and

3. [Name of defendant] was previously convicted of _____ [specify violation

of § 97-19-55] in _____ [list court and details of previous conviction] on _____

[list date of previous conviction] and of _____ [specify violation of §

97-19-55] in _____ [list court and details of previous conviction] on _____ [list

date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 13:8.

Miss. Code Ann. § 97-19-55(1)(a) and § 97-19-67(1)(c).

3517 Bad Checks - Insufficient Funds - \$100.00 or More

[Name of defendant] is charged in count ___ with issuing a bad check.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully and with fraudulent intent

[made/wrote/drew/issued/passed/uttered/delivered] a _____ [specify check, draft, or order]

for \$100.00 or more drawn on a [real/fictitious] _____ [specify bank, corporation, firm, or

person] to [obtain/get] _____ [specify money, delivery of valuable property, services, use of

property, or credit at a gaming establishment], knowing that the person who [made/wrote/drew]

the _____ [specify check, draft, or order] did not have sufficient funds in or on deposit with

the _____ [specify bank, corporation, firm, or person] for payment of the _____

[specify check, draft, or order] and all the other outstanding _____ [specify checks, drafts,

or orders] [made/written/drawn] on the funds,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ___.

Sources

Mississippi Model Jury Instruction - Criminal 13:8.

Miss. Code Ann. § 97-19-55(1)(a) and § 97-19-67(1)(d).

3518 Bad Checks - Closing an Account

[Name of defendant] is charged in count ____ with fraudulently closing an account.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Defendant] unlawfully and with fraudulent intent closed an account without leaving sufficient funds to cover all outstanding checks written on the account,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instruction - Criminal 13:8.

Miss. Code Ann. § 97-19-55(1)(b).

3519 Fraud Relating to a State or Federally Funded Assistance Program - Fails to Disclose Fact

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/knowingly] and unlawfully failed to disclose [a/an] [material/important] fact used in determining [name of defendant]'s qualifications to receive aid, benefits, or services under _____ [specify the state or federally funded assistance program] by _____ [describe defendant's alleged actions including false statement, misrepresentation, impersonation, or other fraudulent means];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully failed to disclose a change in circumstances in order to [obtain/get] or continue to receive aid, benefits, or services under _____ [specify the state or federally funded assistance program] _____ [specify (1) to which [name of defendant] was not entitled to receive or (2) in an amount larger than what [name of defendant] was entitled to receive], by _____ [describe defendant's alleged actions including false statement, misrepresentation, impersonation, or other fraudulent means];

OR

2C. [Name of defendant] [intentionally/knowingly] and unlawfully [aided/abetted/assisted/helped] [name of person] to fail to disclose a change in circumstances in order for [name of person] to [obtain/get] or continue to receive aid, benefits, or services under _____ [specify the state or federally funded assistance program] _____ [specify (1) to which [name of person] was not entitled to receive or (2) in an amount larger than what [name of person] was entitled to receive], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(1).

3520 Fraud Relating to a State or Federally Funded Assistance Program - Unlawful Use of Food Stamps

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully

[used/transferred/acquired/got/altered/forged/possessed/trafficked] _____ [specify food stamp(s); a food stamp identification card; an electronic benefits card or benefits received by such a card; an authorization to buy food stamps; an eligibility certificate for medical services; or a Medicaid card] _____ [specify (1) for profit or (2) in a manner not authorized by law or the regulations of the agency responsible for administering the _____ [specify the state or federally funded assistance program]]];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to

[use/transfer/acquire/get/alter/forged/possess/traffic] _____ [specify food stamp(s); a food stamp identification card; an electronic benefits card or benefits received by such a card; an authorization to buy food stamps; an eligibility certificate for medical services; or a Medicaid card] _____ [specify (1) for profit or (2) in a manner not authorized by law or the regulations of the agency responsible for administering the _____ [specify the state or federally funded assistance program]]];

OR

2C. [Name of defendant] [intentionally/knowingly] and unlawfully

[aided/abetted/assisted/helped] [name of person] to

[use/transfer/acquire/get/alter/forge/possess/traffic] _____ [specify food stamp(s); a food stamp identification card; an electronic benefits card or benefits received by such a card; an authorization to buy food stamps; an eligibility certificate for medical services; or a Medicaid card] _____ [specify (1) for profit or (2) in a manner not authorized by law or the regulations of the agency responsible for administering the _____ [specify the state or federally funded assistance program]],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(2).

3521 Fraud Relating to a State or Federally Funded Assistance Program - Exchanging Food or Goods for Cash

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully [exchanged/traded] food [purchased/obtained/gotten/received] with benefits or an electronic benefits transfer card under the federal Food and Nutrition Program for cash or something of value other than food;

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to [exchange/trade]

food [purchased/obtained/gotten/received] with benefits or an electronic benefits transfer card under the federal Food and Nutrition Program for cash or something of value other than food, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(3).

3522 Fraud Relating to a State or Federally Funded Assistance Program - By a Person with Duties in Administering a State or Federally Funded Assistance Program

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] had duties in administering _____ [specify the state or federally funded assistance program]; and
- 3A. [Name of defendant] fraudulently and unlawfully misappropriated _____ [specify food stamp(s); a food stamp identification card; an electronic benefits card or benefits received by such a card; an eligibility certificate for prescribed medicine; a Medicaid identification card; or other assistance from a state or federally funded assistance program with which [name of defendant] was entrusted or possessed because of [name of defendant]'s position];

OR

- 3B. [Name of defendant] fraudulently and unlawfully attempted to misappropriate

_____ [specify food stamp(s); a food stamp identification card; an electronic benefits card or benefits received by such a card; an eligibility certificate for prescribed medicine; a Medicaid identification card; or other assistance from a state or federally funded assistance program with which [name of defendant] was entrusted or possessed because of [name of defendant]'s position];

OR

3C. [Name of defendant] fraudulently and unlawfully [aided/abetted/assisted/helped] [name of person] to misappropriate _____ [specify food stamp(s); a food stamp identification card; an electronic benefits card or benefits received by such a card; an eligibility certificate for prescribed medicine; a Medicaid identification card; or other assistance from a state or federally funded assistance program with which [name of defendant] was entrusted or possessed because of [name of defendant]'s position],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(4).

3523 Fraud Relating to a State or Federally Funded Assistance Program - By a Person with Duties in Administering a State or Federally Funded Assistance Program - Failure to Disclose Fraudulent Activity

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] had duties in administering _____ [specify the state or federally funded assistance program]; and
- 3A. [Name of defendant] [intentionally/knowingly] and unlawfully failed to disclose [name of person]'s misappropriation of _____ [specify food stamp(s); a food stamp identification card; an electronic benefits card or benefits received by such a card; an eligibility certificate for prescribed medicine; a Medicaid identification card; or other assistance from a state or federally funded assistance program with which [name of defendant] was entrusted or possessed because of [name of defendant]'s position];

OR

- 3B. [Name of defendant] [intentionally/knowingly] and unlawfully failed to disclose [name of person]'s attempt to misappropriate _____ [specify food stamp(s); a food stamp identification card; an electronic benefits card or benefits received by such a card; an eligibility certificate for prescribed medicine; a Medicaid identification card; or other assistance from a state or federally funded assistance program with which [name of defendant] was entrusted or possessed because of [name of defendant]'s position];

OR

- 3C. [Name of defendant] [intentionally/knowingly] and unlawfully failed to disclose [name of person]'s [aid/assistance/help] to misappropriate _____ [specify food stamp(s); a food stamp identification card; an electronic benefits card or benefits received by such a card; an eligibility certificate for prescribed medicine; a Medicaid identification card; or other assistance

from a state or federally funded assistance program with which [name of defendant] was entrusted or possessed because of [name of defendant]'s position], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(4).

3524 Fraud Relating to a State or Federally Funded Assistance Program - Filing a Claim for Services Not Performed

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2A. [Name of defendant] [intentionally/knowingly] and unlawfully filed a claim for services for [name of person], who received benefits under _____ [specify the state or federally funded assistance program];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to file a claim for services for [name of person], who received benefits under _____ [specify the state or federally funded assistance program];

OR

2C. [Name of defendant] [intentionally/knowingly] and unlawfully

[aided/abetted/assisted/helped] [name of person] to file a claim for services for [name of person], who received benefits under _____ [specify the state or federally funded assistance program]; and

3. Those services were not performed,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(5).

3525 Fraud Relating to a State or Federally Funded Assistance Program - Filing a Claim for Unauthorized Items or Services

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully filed a false claim for items or services, which were not authorized under _____ [specify the state or federally funded assistance program],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(5).

3526 Fraud Relating to a State or Federally Funded Assistance Program - Billing a Recipient for More than Authorized

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully billed [name of person] [or [name of person]'s family], who receives benefits under _____ [specify the state or federally funded assistance program], for _____ [specify amount], which was more than was provided for by law or regulations, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(5).

3527 Fraud Relating to a State or Federally Funded Assistance Program - Receiving an Unauthorized Payment for Benefits

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully received an unauthorized payment for services under _____ [specify the state or federally funded assistance program];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to receive an unauthorized payment for services under _____ [specify the state or federally funded assistance program];

OR

2C. [Name of defendant] [intentionally/knowingly] and unlawfully [aided/abetted/assisted/helped] [name of person] to receive an unauthorized payment for services under _____ [specify the state or federally funded assistance program], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(5)(b).

3528 Fraud Relating to a State or Federally Funded Assistance Program - False

Application to Replace Benefits

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] was entitled to receive benefits or aid under _____ [specify the state or federally funded assistance program]; and

3. [Name of defendant] [intentionally/knowingly] and unlawfully signed a false application for replacement of [his/her] benefits or aid under _____ [specify the state or federally funded assistance program] claiming that [name of defendant]'s [benefits/aid] [was/were] not received,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(6).

3529 Fraud Relating to a State or Federally Funded Assistance Program - Helping Another Person File a False Application to Replace Benefits

[Name of defendant] is charged in count ____ with fraud relating to a state or federally funded assistance program.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of person] was entitled to receive [benefits/aid] under _____ [specify the state or federally funded assistance program]; and

3. [Name of defendant] [intentionally/knowingly] and unlawfully [aided/abetted/assisted/helped] [name of person] sign a false application for replacement of [his/her] [benefits/aid] under _____ [specify the state or federally funded assistance program] claiming that [name

of person]'s [benefits/aid] [was/were] not received,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-71(6).

3530 Fraud by Mail or Other Means of Communication

[Name of defendant] is charged in count ____ with fraud by mail or other means of
communication.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [devised/planned/intended to devise/intended to plan] a
[scheme/plan] by false or fraudulent [pretenses/representations/promises]:

A. To defraud; or

B. To obtain money, property, or services; or

C. To unlawfully avoid payment or loss of money, property, or services; or

D. To [secure/receive/get] business or personal gain; or

E. To [sell/dispose of/loan/exchange/alter/change/give
away/distribute/supply/furnish/procure/obtain/get/give] a counterfeit _____

[specify coin, obligation, security or other article for an unlawful purpose]; or

F. To [sell/dispose of/loan/exchange/alter/change/give
away/distribute/supply/furnish/procure/obtain/get/give] something

[represented/intimated/inferred/held out] as a counterfeit article; and

3. To [execute/carry out] [name of defendant]'s [scheme/plan], [name of defendant] unlawfully [transmitted/caused to be transmitted] a _____ [specify writing, sign, signal, picture, sound, data, or other material] across county or state lines by _____ [specify mail, telephone, newspaper, radio, television, wire, electromagnetic waves, microwaves, or other means of communication, or by person],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-83.

3531 Fraudulent Use of Social Security Number or Other Identifying Information

[Name of defendant] is charged in count ____ with fraudulent use of a Social Security number or other identifying information.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [made/caused to be made] a false statement or representation as to _____ [specify (1) [name of defendant], (2) [name of person], or (3) [name of entity]]'s _____ [specify identity; Social Security number; credit card number; debit card number; or other identifying information]:
 - A. To fraudulently [obtain/get] goods, services, or something of value; or
 - B. Intending to [obtain/get] good, services, or something of value,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-85(1).

3532 Fraudulent Use of Social Security Number or Other Identifying Information - False Information about Identity

[Name of defendant] is charged in count ____ with fraudulent use of a Social Security number or other identifying information.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/willfully/knowingly] and unlawfully [furnished/gave] false information about [his/her] identity, intending to deceive [name of person] as to [name of defendant]'s true identity;

OR

- 2B. [Name of defendant] [intentionally/willfully/knowingly] and unlawfully [furnished/gave] false information as to [name of person]'s identity, intending to deceive [name of person] as to [name of person]'s true identity,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-85(2)(a).

3533 Fraudulent Use of Social Security Number or Other Identifying Information - False Information to Start or Maintain Business Records

[Name of defendant] is charged in count ____ with fraudulent use of a Social Security number or other identifying information.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully/knowingly] and unlawfully used a Social Security number to [establish/start/maintain] business or other records, intending to deceive, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-85(2)(b).

3534 Fraudulent Use of Social Security Number or Other Identifying Information - Falsely Claimed To Use Own Social Security Number

[Name of defendant] is charged in count ____ with fraudulent use of a Social Security number or other identifying information.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully and falsely represented that a number was a Social Security number assigned to [him/her], when in fact the number was not the Social Security number

assigned to [name of defendant], intending to deceive;

OR

2B. [Name of defendant] unlawfully and falsely represented that a number was a Social Security number assigned to another person, when in fact the number was not the Social Security number assigned to the other person, intending to deceive,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-85(2)(c).

3535 Fraudulent Use of Social Security Number or other Identifying Information - Falsely Represented Himself or Herself to be a Business or Other Entity's Representative

[Name of defendant] is charged in count ____ with fraudulent use of a Social Security number or other identifying information.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully and falsely represented that [name of defendant] was [name of business or entity]'s representative in order to _____ [specify (1) open a banking account; (2) [obtain/get/receive] a credit card; or (3) [obtain/get/receive] services and supplies] in [name of business or entity]'s name, intending to deceive,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-85(2)(d).

3536 Fraudulent Use of Social Security Number or Other Identifying Information - Altered or Sold a Social Security Card

[Name of defendant] is charged in count ____ with fraudulent use of a Social Security number or other identifying information.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully [altered/bought/sold] _____ [specify a Social Security card, a counterfeit Social Security card, or an altered Social Security card],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-85(2)(e).

3537 Fraudulent Use of Social Security Number or Other Identifying Information - Made a Counterfeit Social Security Card

[Name of defendant] is charged in count ____ with fraudulent use of a Social Security number or other identifying information.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully made a counterfeit Social Security card,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-85(2)(e).

3538 Fraudulent Use of Social Security Number or Other Identifying Information - Possessed a Counterfeit Social Security Card with Intent to Sell

[Name of defendant] is charged in count ____ with fraudulent use of a Social Security number or other identifying information.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully possessed a _____ [specify a Social Security card or a counterfeit Social Security card], intending to [sell/alter] it, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-19-85(2)(e).

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 36 Forgery and Counterfeiting

3600 Forgery - Public Accounting Books

[Name of defendant] is charged in count ___ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. Intending to defraud, [name of defendant] unlawfully made a false entry in the _____

[specify book of accounts], which was kept in the _____ [specify office of the auditor

of public accounts, office of the treasurer of this state, office of a county treasurer, or other public

office], by which [a/an] _____ [specify demand, obligation, claim, right, or interest]

[against/in favor of] the _____ [specify state, county, city, town, village, or individual]

would be [discharged/diminished/decreased/increased/created/affected];

OR

2B. Intending to defraud, [name of defendant] unlawfully and falsely altered an entry in the

_____ [specify book of accounts], which was kept in the _____ [specify office

of the auditor of public accounts, office of the treasurer of this state, office of a county treasurer,

or other public office], by which [a/an] _____ [specify demand, obligation, claim, right, or

interest] [against/in favor of] the _____ [specify state, county, city, town, village, or

individual] would be [discharged/diminished/decreased/increased/created/affected],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Mississippi Model Jury Instructions - Criminal 14:2.

Miss. Code Ann. § 97-21-1.

3601 Forgery - Corporation's Accounting Books

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. Intending to defraud, [name of defendant] unlawfully made a false entry in _____

[specify book of accounts], which was kept by [a/an] _____ [specify corporation or its officers within the state], to be [delivered/intended to be delivered] to [name of person] dealing with the corporation, by which [a/an] _____ [specify pecuniary obligation, claim, or credit] was, or [purported/claimed] to be, [discharged/diminished/decreased/increased/created/affected];

OR

2B. Intending to defraud, [name of defendant] unlawfully and falsely altered an entry in

_____ [specify book of accounts], which was kept by [a/an] _____ [specify corporation or its officers within the state], to be [delivered/intended to be delivered] to [name of person] dealing with the corporation, by which [a/an] _____ [specify pecuniary obligation, claim, or credit] was, or [purported/claimed], to be

[discharged/diminished/decreased/increased/created/affected],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:3.

Miss. Code Ann. § 97-21-3.

3602 Forgery - Certificate of Acknowledgment

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was [a/an] _____ [specify officer], who was authorized to take the proof or acknowledgment of [a/an] _____ [specify conveyance of real or personal property or other instrument], which by law may be recorded; and
3. [Name of defendant] [intentionally/willfully] and unlawfully certified falsely that:
 - A. The _____ [specify conveyance of real or personal property or other instrument] was acknowledged by [name of party], when in fact the acknowledgment was not made; or
 - B. The _____ [specify conveyance of real or personal property or other instrument] was proved, when in fact the proof was not made,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:4.

Miss. Code Ann. § 97-21-7.

3603 Forgery - Certificate or Public Security

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [forged/counterfeited/altered falsely] a [certificate/public security] issued, or [purported/claimed] to be issued, by the authority of the state, by which the certificate or public security:

A. Promised the payment of money; or

B. Acknowledged receipt of money, goods, or something of value; or

C. Was a certificate of the right to receive a share, right, interest in a public stock, created under the laws of this state, and was issued, or [purportedly/claimed] to be issued, by [name of public officer]; or

D. Was a debt or responsibility of the state and was issued, or [purportedly/claimed] to be issued, by [name of public officer]; or

E. Was an indorsement of another instrument which [transferred/attempted to transfer] [name of holder]'s interest in the certificate, public security, certificate of stock, evidence of debt, or responsibility, or a person who was entitled to the right or interest,

intending to defraud the State of Mississippi or [name of public officer], a public officer,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:5.

Miss. Code Ann. § 97-21-9.

3604 Forgery - United States Money

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully counterfeited gold or silver coins, current in the State of Mississippi, or treasury notes of the United States,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-21-13.

3605 Forgery - Foreign Money

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully counterfeited gold or silver coins of [name of foreign government or country], intending to export them to [injure/damage/hurt/defraud] the foreign government or its citizens,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-21-15.

3606 Forgery - Possessing Counterfeit Money

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully possessed counterfeit gold or silver coins, current in the State of Mississippi, knowing that they were counterfeit and intending to defraud or [injure/damage/harm] by [uttering/passing] the coins;

OR

- 2B. [Name of defendant] unlawfully possessed counterfeit gold or silver coins, current in the State of Mississippi, knowing that they were counterfeit and intending to defraud or [injure/damage/harm] by causing the coins to be [uttered/passed],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-21-17.

3607 Forgery - Falsifying Corporate Debt

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [forged/counterfeited/falsely made] a debt, which was issued, or [purported/claimed] to be issued, by [name of corporation], with a [pretend/forged] signature of an [agent/officer] of the corporation,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:6.

Miss. Code Ann. § 97-21-19.

3608 Forgery - Destroying a Writing

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. Intending to defraud, [name of defendant] unlawfully [obliterated/destroyed/erased completely] a _____ [specify instrument of writing], by which a [pecuniary/financial/monetary] obligation was, or intended to be, [created/increased/discharged/diminished/decreased/affected];

OR

- 2B. Intending to defraud, [name of defendant] unlawfully [obliterated/destroyed/erased completely] a _____ [specify instrument of writing], by which a right, interest, or claim to property was, or intended to be, [created/increased/discharged/diminished/decreased/affected],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:6.

Miss. Code Ann. § 97-21-21.

3609 Forgery - Engraving Plates

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully [made/engraved/caused to be made/caused to be engraved] a false plate in the form of _____ [specify a promissory note, bill of exchange, draft, check, certificate of deposit, or other evidence of debt] issued by [a/an] _____ [specify (1) incorporated bank in the State of Mississippi; (2) bank incorporated under the laws of the United States, a state or territory; or (3) bank incorporated under the laws of a foreign country or government], without the authority of the bank, intending to [use/have the plate used] to take an impression to be [passed/sold/altered];

OR

2B. [Name of defendant] unlawfully possessed a plate, which had engraved [figures/words] and could be used to falsely alter an evidence of debt issued by a _____ [specify (1) incorporated bank in the State of Mississippi; (2) bank incorporated under the laws of the United States, a state or territory; or (3) bank incorporated under the laws of a foreign country or

government], intending to use the plate to falsely alter an evidence of debt;

OR

2C. [Name of defendant] unlawfully possessed an impression taken from a plate, without the authority of _____ [specify (1) incorporated bank in the State of Mississippi; (2) bank incorporated under the laws of the United States, a state or territory; or (3) bank incorporated under the laws of a foreign country or government], intending to have the impression filled up and completed in order to be [passed/sold/uttered], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:7.

Miss. Code Ann. § 97-21-23.

3610 Forgery - Acting under False Pretenses

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud, [name of defendant] unlawfully made [a/an] _____ [specify instrument] in [name of defendant]'s own name, intending:
 - A. To [create/increase/discharge/diminish/decrease/defeat] a [pecuniary/financial/monetary] [obligation/right/interest]; or
 - B. To transfer or affect property; and

3. [Name of defendant] [uttered/passed] the _____ [specify instrument] under the false pretense that it was the act of another person who had the same name as [name of defendant], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:8.

Miss. Code Ann. § 97-21-29.

3611 Forgery - Parts of Genuine Instruments Joined to Make One Instrument

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud, [name of defendant] unlawfully [placed/connected/joined] different parts of several genuine [instruments/documents] together to [produce/form] one _____ [specify instrument],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:9.

Miss. Code Ann. § 97-21-31.

3612 Forgery - Court Records

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud, [name of defendant] unlawfully [altered/forged/counterfeited/falsely made] [a/an] _____ [specify instrument or writing], which:
 - A. Was, or [purported/claimed] to be, a process issued by _____ [specify court, magistrate, or officer]; or
 - B. Was, or [purported/claimed] to be, a pleading or proceeding filed or entered in a court; or
 - C. Was, or [purported/claimed] to be, a certificate, order, or allowance by _____ [specify court, board, or officer]; or
 - D. Was, or [purported/claimed] to be, a license or authority authorized by statute; or
 - E. Was, or [purported/claimed] to be, an instrument or writing made by [name of person] in which a [pecuniary/financial/monetary] [demand/obligation] was, or [purported/claimed] to be, [created/increased/discharged/diminished/decreased/affected], by which the [altering/forging/counterfeiting/falsely making] [affected/bound/injured/damaged/harmed] [name of person]'s person or property,then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:10.

Miss. Code Ann. § 97-21-35.

3613 Forgery - Counterfeit Bank Notes

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud, [name of defendant] unlawfully possessed a [forged/altered/counterfeit] _____ [specify negotiable note, bill, draft, or other evidence of debt], issued, or [purportedly/claiming] to be issued, by _____ [specify corporation or company authorized by the laws of the United States, Mississippi, or another state, government, or country], knowing that the _____ [specify negotiable note, bill, draft, or other evidence of debt] was [forged/altered/counterfeited] and intending _____ [specify (1) to [utter/pass] the _____ [specify negotiable note, bill, draft, or other evidence of debt] or (2) to cause the _____ [specify negotiable note, bill, draft, or other evidence of debt] to be [uttered/passed]],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:11.

Miss. Code Ann. § 97-21-37.

3614 Forgery - Counterfeit Instrument

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud, [name of defendant] unlawfully possessed a [forged/altered/counterfeit] instrument, knowing that the instrument was [forged/altered/counterfeit] and intending _____ [specify (1) to [utter/pass] the instrument or (2) to cause the instrument to be [uttered/passed]],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:11.

Miss. Code Ann. § 97-21-37.

3615 Forgery - Counterfeit Railroad Tickets

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud, [name of defendant] unlawfully [forged/counterfeited/falsely made] a railroad passenger ticket, which was [purported/claimed] to be [made/issued] by [name of railroad company],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “railroad passenger ticket” means a ticket, card, pass, certificate, or paper, providing or intending to provide for transportation of a person upon any railroad.

Sources

Miss. Code Ann. § 97-21-41.

3616 Forgery - Altered Railroad Tickets

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. Intending to defraud, [name of defendant] unlawfully altered a railroad passenger ticket, which was [purported/claimed] to be [made/issued] by [name of railroad company],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “railroad passenger ticket” means a ticket, card, pass, certificate, or paper, providing or intending to provide for transportation of a person upon any railroad.

Sources

Miss. Code Ann. § 97-21-41.

3617 Forgery - Selling Counterfeit or Altered Railroad Tickets

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [sold/offered to sell] [false/forged/altered/counterfeit] railroad passenger ticket(s), knowing that the railroad passenger ticket(s) [was/were] [false/forged/altered/counterfeit],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “railroad passenger ticket” means a ticket, card, pass, certificate, or paper, providing or intending to provide for transportation of a person upon any railroad.

Sources

Miss. Code Ann. § 97-21-43.

3618 Forgery - Possessing Counterfeit or Altered Railroad Tickets with the Intent to Sell

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully possessed [false/forged/altered/counterfeit] railroad passenger ticket(s), knowing that the railroad passenger ticket(s) [was/were] [false/forged/altered/counterfeit], and intending to sell the [false/forged/altered/counterfeit] railroad passenger ticket(s),

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “railroad passenger ticket” means a ticket, card, pass, certificate, or paper, providing or intending to provide for transportation of a person upon any railroad.

Sources

Miss. Code Ann. § 97-21-43.

3619 Forgery - Altering a Will or Other Record

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud, [name of defendant] unlawfully [destroyed/damaged/falsified/falsely altered] the record of [a/an]:

- A. [Will/Conveyance/Instrument]; or
- B. [Judgment/Degree] of [name of court]; or
- C. Enrollment of a [judgment/decreed]; or
- D. Return of [a/an] [officer/court/tribunal] to a court process,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:12.

Miss. Code Ann. § 97-21-45.

3620 Forgery - Altering a Record Entry

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. Intending to defraud, [name of defendant] unlawfully [forged/altered/falsely made] an entry in _____ [specify book of record or the instrument of the record or return],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:12.

Miss. Code Ann. § 97-21-45.

3621 Forgery - Counterfeit Seal

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud, [name of defendant] unlawfully [forged/counterfeited]:
 - A. The great seal of Mississippi; or
 - B. The seal of a public office or officer authorized by law; or

- C. The seal of a court of record; or
- D. The seal of a [county/city/town/village]; or
- E. The seal of a duly-incorporated corporation,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:13.

Miss. Code Ann. § 97-21-47.

3622 Forgery - Counterfeit Seal Impression

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud, [name of defendant] unlawfully [forged/counterfeited/falsely made] an impression, which was [purported/claimed] to be the impression of:

- A. The great seal of Mississippi; or
- B. The seal of a public office or officer authorized by law; or
- C. The seal of a court of record; or
- D. The seal of a [county/city/town/village]; or
- E. The seal of a duly-incorporated corporation,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:13.

Miss. Code Ann. § 97-21-47.

3623 Forgery - Selling a Counterfeit Note or Check

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully [sold/exchanged/traded/delivered] a [forged/counterfeit]

_____ [specify promissory note, check, bill, draft, evidence of debt, or engagement for the payment of money] for [consideration/money/financial benefit], knowing that the

_____ [specify promissory note, check, bill, draft, evidence of debt, or engagement for the payment of money] was [forged/counterfeited] and intending to have the _____

[specify promissory note, check, bill, draft, evidence of debt, or engagement for the payment of money] [uttered/passed];

OR

2B. [Name of defendant] unlawfully offered a _____ [specify promissory note, check, bill, draft, evidence of debt, or engagement for the payment of money] for

[sale/exchange/trade/delivery], knowing that the _____ [specify promissory note, check, bill, draft, evidence of debt, or engagement for the payment of money] was [forged/counterfeited]

and intending to have the _____ [specify promissory note, check, bill, draft, evidence of debt, or engagement for the payment of money] [uttered/passed],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:13.

Miss. Code Ann. § 97-21-49.

3624 Forgery - Counterfeiting Trademarks and Labels

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully [forged/counterfeited/caused to be forged/caused to be counterfeited/procured to be forged/procured to be counterfeited] [a/an] _____ [specify the representation, likeness, copy, imitation, or similitude of stamps, wrappers, or labels] usually [affixed/attached/used] by a [manufacturer/mechanic] to and used by a [manufacturer/mechanic] [on/in/about] the sale of goods, wares, or merchandise; and
 3. The _____ [specify the goods or services] to which the [forged/counterfeit] _____ [specify the representation, likeness, copy, imitation, or similitude of stamps, wrappers, or labels] [was/were] [affixed/attached/used], [was/were] valued at \$1,000.00 or more,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-21-53.

3625 Forgery - Possessing Plates for Counterfeiting Trademarks

[Name of defendant] is charged in count ___ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully possessed [a/an] _____ [specify die, plate, engraving, or printed label, stamp, or wrapper, or any representation, likeness, similitude, copy, or imitation of the private stamp, wrapper, or label] usually [affixed/attached] by a [manufacturer/mechanic] and used by the [manufacturer/mechanic] [on/in/about] the sale of goods, wares, or merchandise, intending to [use/sell] the _____ [specify die, plate, engraving, or printed label, stamp, or wrapper, or any representation, likeness, similitude, copy, or imitation of the private stamp, wrapper, or label] to [aid/assist/help] in the [selling/vending] of imitation goods, wares, or merchandise or the [selling/vending] of goods, wares, or merchandise meant to resemble the [manufacturer/mechanic]'s goods, wares, or merchandise, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ___.

Sources

Miss. Code Ann. § 97-21-55.

3626 Forgery - Selling Goods with Counterfeit Trademarks

[Name of defendant] is charged in count ___ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully [sold/vended] _____ [specify goods, wares, or merchandise] with a [forged/counterfeit] _____ [specify stamp or label] [imitating/resembling/purporting to be/claiming to be] _____ [specify manufacturer or mechanic]'s _____ [specify stamp or label], knowing that the _____ [specify goods, wares, or merchandise] were [forged/counterfeit] and that the _____ [specify stamp or label] [imitated/resembled/purported to be/claimed to be] _____ [specify manufacturer or mechanic]'s; and
 3. [Name of defendant] did not [disclose/tell/inform] this fact to [name of purchaser], the purchaser; and
 4. The _____ [specify goods or services] to which the [forged/counterfeit] _____ [specify stamp or label] [was/were] [affixed/attached/used] [was/were] valued at \$1,000.00 or more,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-21-57.

3627 Forgery - Passing Counterfeit Instruments or Coins

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. Intending to defraud, [name of defendant] unlawfully [uttered/passed/published] [a/an] _____ [specify forged, altered or counterfeit instrument or counterfeit gold or silver coin(s)] as [true/genuine], knowing that the _____ [specify forged, altered or counterfeit instrument or counterfeit gold or silver coin(s)] [was/were] [forged/altered/counterfeit], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Miss. Code Ann. § 97-21-59.

3628 Forgery - State Treasury Warrant

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully and [falsely/fraudulently] [made/forged/altered] a writing to be, or pretend to be, [a/an] _____ [specify auditor's warrant on the state treasury; order or warrant on the treasury of the State of Mississippi; order or warrant on the treasury of the United States; or order or warrant of a county, city, town, or village], intending to defraud [a/the] _____ [specify (1) State of Mississippi; (2) United States; (3) county, city, village, town; or (4) person], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:14.

Miss. Code Ann. § 97-21-61.

3629 Forgery - Forging a Will

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. Intending to defraud, [name of defendant] unlawfully [forged/counterfeited/falsefully altered] [a/an] _____ [specify will, deed, or instrument] to be, or [purporting/claiming] to be, the act of [name of person], by which a right or interest in [real/personal] property was, or [purported/claimed] to be, [transferred/conveyed/changed/affected],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:15.

Miss. Code Ann. § 97-21-63.

3630 Forgery - Forging Another Type of Court Record

[Name of defendant] is charged in count ____ with forgery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. Intending to defraud, [name of defendant] unlawfully [forged/counterfeited/falsey altered] a certificate or indorsement of an acknowledgment made, or [purportedly/claimed to be] made, by [name of officer], who was authorized to make the certificate or indorsement;

OR

2B. Intending to defraud, [name of defendant] unlawfully [forged/counterfeited/falsey altered] a certificate of proof for a deed or other instrument made, or [purportedly/claimed to be] made, by [name of officer], who was authorized to make the certificate,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count ____.

Sources

Mississippi Model Jury Instructions - Criminal 14:15.

Miss. Code Ann. § 97-21-63.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 37 Offenses Affecting Trade, Business, and Professions

3700 Embezzlement - In General

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully embezzled _____ [specify goods, money, security, or property], which had been [given/entrusted] to [name of defendant] because of [his/her] [office/position/employment] as _____ [specify defendant's office, position, employment], to [his/her] own use; and
 4. The _____ [specify goods, money, security, or property] [was/were] valued at \$500.00 or more,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 15:1.

Miss. Code Ann. § 97-23-19.

3701 Embezzlement - Converting to Own Use

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully and fraudulently [secreted/hid/concealed/converted/made away with] _____ [specify goods, money, security, or property], which had been [given/entrusted] to [name of defendant] because of [his/her] [office/position/employment] as _____ [specify defendant's office, position, or employment], to [his/her] own use; and

3. The _____ [specify goods, money, security, or property] [was/were] valued at \$500.00 or more,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 15:1.

Miss. Code Ann. § 97-23-19.

3702 Embezzlement - Hiding with Intent to Embezzle

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [secreted/hid] _____ [specify goods, money, security, or property], which had been [given/entrusted] to [name of defendant] because of [his/her] [office/position/employment] as _____ [specify defendant's office, position, or employment], intending to [embezzle/convert] the _____ [specify goods, money, security, or property] to [his/her] own use; and
3. The _____ [specify goods, money, security, or property] [was/were] valued at

\$500.00 or more,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 15:1.

Miss. Code Ann. § 97-23-19.

3703 Embezzlement - Evidence of Debt

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully embezzled _____ [specify evidence of debt], which was negotiable at delivery, but had not been delivered or issued, to [his/her] own use by putting the _____ [specify evidence of debt] into circulation, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 15:2.

Miss. Code Ann. § 97-23-21.

3704 Embezzlement - Evidence of Debt - Converting to Own Use

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully and fraudulently [secreted/hid/concealed/converted/made away with] _____ [specify evidence of debt], which was negotiable at delivery, but had not been delivered or issued, to [his/her] own use by putting the _____ [specify evidence of debt] into circulation,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 15:2.

Miss. Code Ann. § 97-23-21.

3705 Buying Embezzled Goods or Receiving Embezzled Money

[Name of defendant] is charged in count ____ with buying embezzled goods or receiving embezzled money.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully [bought/received] _____ [specify goods, money, security, or property], knowing that the _____ [specify goods, money, security, or property] had been unlawfully [embezzled/taken/secreted],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 15:3.

Miss. Code Ann. § 97-23-23.

3706 Embezzlement - Property Being Held in Trust or Under Contract

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully and fraudulently appropriated _____ [specify the personal property or money], which had been delivered to [name of defendant] _____ [specify (1) on deposit; (2) to be carried; (3) to be repaired; or (4) on a contract], and which [name of defendant] was [bound/required] to [deliver/return] the _____ [specify the personal property or money] or its proceeds,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 15:4.

Miss. Code Ann. § 97-23-25.

3707 Embezzlement - Borrowed Property

[Name of defendant] is charged in count ____ with embezzlement.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully and fraudulently appropriated _____ [specify the property], which had been delivered to [name of defendant] _____ [specify (1) under a contract for use; (2) as a loan to use; (3) for leasing; or (4) for hiring], by _____ [describe (1) defendant's alleged actions after the contract had ended, the right to use the property had ended, or the lease had ended; or (2) defendant's alleged actions not authorized by the contract],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count _____.

Sources

Miss. Code Ann. § 97-23-27.

3708 Preventing Employment by Force or Violence

[Name of defendant] is charged in count ____ with using force or violence to prevent [name of person] from working or employment.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully used [force/violence/the threat of force/the threat of violence] to [prevent/attempt to prevent] [name of person] from engaging in lawful work, a vocation, or employment within the State of Mississippi,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-39.

3709 Conspiracy to Prevent Employment by Force or Violence

[Name of defendant] is charged in count ____ with conspiracy to prevent [name of person] from working or employment.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] and [name(s) of co-conspirator(s)] unlawfully [conspired/agreed] to use [force/violence/the threat of force/the threat of violence] to [prevent/attempt to prevent] [name of person] from engaging in lawful work, a vocation, or employment within the State of Mississippi,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-41.

3710 Conspiracy to Prevent Employment by Force or Violence - Gathering at a Labor

Dispute

[Name of defendant] is charged in count ____ with conspiracy to prevent [name of person] from working or employment.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] and [name(s) of co-conspirator(s)] unlawfully [conspired/agreed] to use [force/violence/the threat of force/the threat of violence] to [prevent/attempt to prevent] [name of person] from engaging in lawful work, a vocation, or employment within the State of Mississippi; and

3A. [Name of defendant] and [name(s) of co-conspirator(s)] [assembled/gathered] together at _____ [specify location] to carry out their [conspiracy/agreement];

OR

3B. [Name of defendant] and [name(s) of co-conspirator(s)] [assembled/gathered] together at _____ [specify location], where a labor dispute existed, to carry out their [conspiracy/agreement],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “labor dispute” means there is a disagreement between an employer and two or more of [his/her/its] employees over the terms or conditions of employment or concerning the association, or a personal representative who was [negotiating/maintaining/changing/arranging] terms or conditions of employment.

Sources

Miss. Code Ann. § 97-23-41.

3711 Practicing a Profession without a License - Second or Subsequent Offense

[Name of defendant] is charged in count ___ with practicing _____ [specify law, medicine, surgery, dentistry, or pharmacy] without a license.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully practiced _____ [specify law, medicine, surgery, dentistry, or pharmacy] by _____ [describe defendant's alleged actions]; and
3. [Name of defendant] had not been examined and had not [obtained/gotten/received] a lawful license to practice _____ [specify law, medicine, surgery, dentistry, or pharmacy]; and
4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-23-43] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ___.

Sources

Mississippi Model Jury Instruction - Criminal 15:5.

Miss. Code Ann. § 97-23-43.

3712 Unlawful Restraint of Trade

[Name of defendant] is charged in count ___ with unlawful restraint of trade.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] and [name(s) of co-conspirators] unlawfully [conspired/agreed] to boycott or to prevent [name(s) of person(s)] from doing business or trading with [name of business or merchant]:

A. Because of a reasonable [grievance/disagreement/problem] with [name of business or merchant], which [name of business or merchant] had no direct control over or no legal authority to correct; or

B. Because of a reasonable [grievance/disagreement/problem] against [name of business or merchant] and [name of business or merchant] was not notified about the [grievance/disagreement/problem] and had not been given a reasonable opportunity to correct it; and

3. As a result of [name of defendant]'s [conspiracy/agreement], [name of defendant] [induced/encouraged] a person or people to stop doing business with [name of business or merchant],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-85.

3713 Unlawfully Copying or Selling Recordings

[Name of defendant] is charged in count ____ with unlawfully copying or selling recordings.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully [transferred/caused to be transferred] [sounds/images], which were recorded on _____ [specify phonograph record, disc, wire, tape, videocassette, film, or other device on which sounds or images are recorded], onto [a/an] _____ [specify the article on which the sounds or images were transferred], without the [consent/permission] of [name of owner], who was the owner, intending to [sell/rent for a fee/cause to be sold/cause to be rented for a fee or other financial gain] the _____ [specify the article on which the sounds or images were transferred], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-87(2)(a).

3714 Unlawfully Copying or Selling Recordings - Second or Subsequent Offense

[Name of defendant] is charged in count ____ with unlawfully copying or selling recordings.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully [transferred/caused to be transferred] [sounds/images], which were recorded on _____ [specify phonograph record, disc, wire, tape, videocassette, film, or other device on which sounds or images are recorded], onto [a/an] _____ [specify the article on which the sounds or images were

transferred], without the [consent/permission] of [name of owner], who was the owner, intending to [sell/rent for a fee/cause to be sold/cause to be rented for a fee or other financial gain] the

_____ [specify the article on which the sounds or images were transferred]; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-23-87] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-87(2)(a).

3715 Unlawfully Recording a Live Performance

[Name of defendant] is charged in count ____ with unlawfully recording a live performance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [recorded/mastered/caused to be recorded/caused to be mastered] the [sounds/images] of a live performance of [name of performer] [on/onto] [a/an] _____ [specify the article or device on which the sounds or images were recorded or mastered], knowing that [name of owner], who was the owner, had not given [his/her/its] [consent/permission], and intending to [sell/market/lease for commercial gain/lease for private financial gain] the _____ [specify the article or device on which the sounds or images

were recorded or mastered],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-87(2)(b).

3716 Unlawfully Selling or Offering for Sale a Recording

[Name of defendant] is charged in count ____ with unlawfully selling or offering for sale a recording.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully [advertised/sold/offered for sale] [a/an] _____ [specify the article or device on which sounds or images were transferred], knowing that the [sounds/images] on the _____ [specify the article or device on which the sounds or images were transferred] had been unlawfully transferred without the [consent/permission] of [name of owner], who was the owner,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-87(3)(a)(i).

3717 Unlawfully Leasing Equipment for Copying Sounds or Images

[Name of defendant] is charged in count ____ with unlawfully offering or leasing equipment for copying sounds or images.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [offered/leased/made available] [equipment/machinery] for [money/fee/rent/compensation], knowing that the [equipment/machinery] would be used by [name of person] to [reproduce/copy] a _____ [specify phonograph record, disc, wire, tape, videocassette, film or other device on which sounds or images have been transferred], without the [consent/permission] of [name of owner], who was the owner, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-87(3)(a)(ii).

3718 Unlawfully Possessing a Recording with Intent to Sell

[Name of defendant] is charged in count ____ with unlawfully possessing a recording with intent to sell.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully possessed [a/an] _____ [specify the article or device on which the sounds or images were transferred], knowing that the [sounds/images] on the _____ [specify the article or device on which the sounds or images were transferred]

had been unlawfully transferred without the [consent/permission] of [name of owner], who was the owner, intending to sell the _____ [specify the article or device on which the sounds or images were transferred];

OR

2B. [Name of defendant] unlawfully possessed [a/an] _____ [specify the article or device on which the sounds or images were transferred], knowing that the [sounds/images] on the _____ [specify the article or device on which the sounds or images were transferred] had been unlawfully transferred without the [consent/permission] of [name of owner], who was the owner, intending to make the _____ [specify the article or device on which the sounds or images were transferred] available for [money/fee/rent/compensation];

OR

2C. [Name of defendant] unlawfully possessed [a/an] _____ [specify the article or device on which the sounds or images were transferred], knowing that the [sounds/images] on the _____ [specify the article or device on which the sounds or images were transferred] had been unlawfully transferred without the [consent/permission] of [name of owner], who was the owner, for the purpose of [obtaining/getting/receiving] compensation by using the _____ [specify the article or device on which the sounds or images were transferred], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-87(3)(a)(iii).

3719 Unlawfully Manufacturing a Recording without Proper Identification

[Name of defendant] is charged in count ____ with unlawfully manufacturing a recording without proper identification.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully manufactured [a/an] _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], which contained images, without the actual name and street address of the manufacturer prominently [disclosed/displayed] on the _____ [specify cover, jacket, box, or label] containing the _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], for [money/compensation];

OR

2B. [Name of defendant] unlawfully manufactured [a/an] _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], which contained only sounds, without the actual name and street address of the manufacturer and without the name of the performer or group prominently [disclosed/displayed] on the _____ [specify cover, jacket, box, or label] containing the _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], for [money/compensation],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-89(2).

3720 Unlawfully Selling a Recording without Proper Identification

[Name of defendant] is charged in count ____ with unlawfully selling a recording without proper identification.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/knowingly] and unlawfully [sold/rented/distributed/circulated] [a/an] _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], which contained images, without the actual name and street address of the manufacturer prominently [disclosed/displayed] on the _____ [specify cover, jacket, box, or label] containing the _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], for [money/compensation];

OR

- 2B. [Name of defendant] [intentionally/knowingly] and unlawfully [sold/rented/distributed/circulated] [a/an] _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], which contained only sounds, without the actual name and

street address of the manufacturer and without the name of the performer or group prominently [disclosed/displayed] on the _____ [specify cover, jacket, box, or label] containing the _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], for [money/compensation],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “manufacturer” means an individual, partnership, corporation or association which, after having acquired the right to transfer sounds or images from the owner, actually transferred or caused the transfer of such sounds or images to be recorded onto a phonograph record, disc, wire, tape, videocassette, film or other article on which sounds or images are recorded; or assembled and transferred a product containing such transferred sounds or images.

Sources

Miss. Code Ann. § 97-23-89(2).

3721 Unlawfully Causing the Sale of a Recording without Proper Identification

[Name of defendant] is charged in count ____ with unlawfully causing the sale of a recording without proper identification.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully caused to be

[sold/distributed/circulated] [a/an] _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], which contained images, without the actual name and street address of the manufacturer prominently [disclosed/displayed] on the _____ [specify cover, jacket, box, or label] containing the _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], for [money/compensation];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully caused to be

[sold/distributed/circulated] [a/an] _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], which contained only sounds, without the actual name and street address of the manufacturer and without the name of the performer or group prominently [disclosed/displayed] on the _____ [specify cover, jacket, box, or label] containing the _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], for [money/compensation],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “manufacturer” means an individual, partnership, corporation or association which, after having acquired the right to transfer sounds or images from the owner, actually transferred or caused the transfer of such sounds or images to be recorded onto a phonograph record, disc, wire, tape, videocassette, film or other article on which sounds or images are recorded; or assembled and transferred a product containing such transferred sounds or images.

Sources

Miss. Code Ann. § 97-23-89(2).

3722 Unlawfully Possessing a Recording without Proper Identification with Intent to Sell

[Name of defendant] is charged in count ___ with unlawfully possessing a recording without proper identification with intent to sell.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully possessed [a/an] _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], which contained images, without the actual name and street address of the manufacturer prominently [disclosed/displayed] on the _____ [specify cover, jacket, box, or label] containing the _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], intending to [sell/rent/distribute/circulate] for [money/compensation];

OR

2B. [Name of defendant] unlawfully possessed [a/an] _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], which contained only sounds, without the actual name and street address of the manufacturer and without the name of the performer or group prominently [disclosed/displayed] on the _____ [specify cover, jacket, box, or label] containing the _____ [specify the recorded article or device, including phonograph record, tape, disc, videocassette, film, or other article or device on which sounds or images may be recorded], intending to [sell/rent/distribute/circulate] for [money/compensation], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “manufacturer” means an individual, partnership, corporation or association which, after having acquired the right to transfer sounds or images from the owner, actually transferred or caused the transfer of such sounds or images to be recorded onto a phonograph record, disc, wire, tape, videocassette, film or other article on which sounds or images are recorded; or assembled and transferred a product containing such transferred sounds or images.

Sources

Miss. Code Ann. § 97-23-89(2).

3723 Shoplifting - Felony Amount

[Name of defendant] is charged in count ____ with shoplifting.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully] and unlawfully took possession of _____ [specify merchandise], which [was/were] [owned/held by/offered/displayed for sale] by [name of merchant or store], intending to [take/convert] the _____ [specify merchandise or goods] [for/to] [his/her] own use without paying [name of merchant or store]'s purchase price; and
3. The _____ [specify the merchandise or goods] [was/were] valued at more than \$500.00,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 15:6.

Miss. Code Ann. § 97-23-93(1), (2), & (7).

3724 Shoplifting - Third Offense

[Name of defendant] is charged in count ____ with shoplifting.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/willfully] and unlawfully took possession of

_____ [specify merchandise], which [was/were] [owned/held by/offered/displayed for sale] by [name of merchant or store], intending to [take/convert] the _____ [specify merchandise or goods] [for/to] [his/her] own use without paying [name of merchant or store]'s purchase price; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-23-93] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-23-93] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction]; and

4. The two prior convictions for _____ [specify violations of § 97-23-93] occurred within seven (7) years of _____ [date of alleged crime], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 15:6.

Miss. Code Ann. § 97-23-93(1), (2), & (6).

3725 Encouraging a Minor to Shoplift

[Name of defendant] is charged in count ____ with helping a minor shoplift.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was 18 years old or older; and

3. [Name of defendant] unlawfully [encouraged/aided/abetted/assisted/helped] [name of minor], who was less than 18 years old, to shoplift; and

4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-23-94] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-23-94] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-94.

3726 Money Laundering - Carrying on Unlawful Activity

[Name of defendant] is charged in count ____ with money laundering.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully [conducted/attempted to conduct] a financial transaction which involved proceeds [of/from] an unlawful activity, specifically _____ [specify unlawful activity], knowing that the proceeds were the result of an unlawful activity and intending to promote the carrying on of the unlawful activity;

OR

2B. [Name of defendant] unlawfully [conducted/attempted to conduct] a financial transaction

which involved proceeds [of/from] an unlawful activity, specifically _____ [specify unlawful activity], knowing that the proceeds were the result of an unlawful activity and intending to [engage/participate] in conduct which would violate Sections 7201 or 7206 of the Internal Revenue Code, which provides _____ [specify the provisions of § 7201 or § 7206],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-101(1)(a)(i).

3727 Money Laundering - Hiding Unlawful Activity or Avoiding Reporting on a Transaction

[Name of defendant] is charged in count ____ with money laundering.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully [conducted/carried out/attempted to conduct/attempted to carry out] a financial transaction which involved proceeds [of/from] an unlawful activity, specifically _____ [specify unlawful activity], knowing that the proceeds were the result of an unlawful activity and knowing that the transaction was designed to [conceal/hide/disguise] the [nature/location/source/ownership/control] of the proceeds [from/of] the unlawful activity;

OR

2B. [Name of defendant] unlawfully [conducted/carried out/attempted to conduct/attempted to carry out] a financial transaction which involved proceeds [of/from] an unlawful activity, specifically _____ [specify unlawful activity], knowing that the proceeds were the result of an unlawful activity and knowing that the transaction was designed to avoid a transaction reporting requirement under federal or state law, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-101(1)(a)(ii).

3728 Money Laundering - Transferring Proceeds from Unlawful Activity

[Name of defendant] is charged in count ____ with money laundering.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully [transported/carried/transmitted/sent/transferred/attempted to transport, carry, transmit, send, or transfer] _____ [specify money, funds, or monetary instrument] _____ [specify (1) from a place in Mississippi to or through a place outside Mississippi or (2) to a place inside Mississippi from or through a place outside Mississippi], intending to promote the carrying on of unlawful activity, specifically _____ [specify unlawful activity];

OR

2B. [Name of defendant] unlawfully [transported/carried/transmitted/sent/transferred/attempted

to transport, carry, transmit, send, or transfer] _____ [specify money, funds, or monetary instrument] _____ [specify (1) from a place in Mississippi to or through a place outside Mississippi or (2) to a place inside Mississippi from or through a place outside Mississippi], knowing that the _____ [specify money, funds, or monetary instrument] involved in the transportation represented the proceeds from some form of unlawful activity, specifically _____ [specify unlawful activity], and knowing that the transportation was designed to [conceal/hide/disguise] the [nature/location/source/ownership/control] of the proceeds of the unlawful activity;

OR

2C. [Name of defendant] unlawfully [transported/carried/transmitted/sent/transferred/attempted to transport, carry, transmit, send, or transfer] _____ [specify money, funds, or monetary instrument] _____ [specify (1) from a place in Mississippi to or through a place outside Mississippi or (2) to a place inside Mississippi from or through a place outside Mississippi], knowing that the _____ [specify money, funds, or monetary instrument] involved in the transportation represented the proceeds from some form of unlawful activity, specifically _____ [specify unlawful activity], and knowing that the transportation was designed to avoid a transaction reporting requirement under federal or state law, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-101(1)(b).

3729 Money Laundering - Property from Unlawful Activity

[Name of defendant] is charged in count ____ with money laundering.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully [conducted/carried out/attempted to conduct/attempted to carry out] a financial transaction involving _____ [specify (1) property represented by a law enforcement officer to be the proceeds of unlawful activity or (2) property used to conduct or facilitate unlawful activity], intending to promote the carrying on of unlawful activity, specifically _____ [specify unlawful activity];

OR

2B. [Name of defendant] unlawfully [conducted/carried out/attempted to conduct/attempted to carry out] a financial transaction involving _____ [specify (1) property represented by a law enforcement officer to be the proceeds of unlawful activity or (2) property used to conduct or facilitate unlawful activity], intending to [conceal/hide/disguise] the [nature/location/source/ownership/control] of property believed to be the proceeds of unlawful activity, specifically _____ [specify unlawful activity];

OR

2C. [Name of defendant] unlawfully [conducted/carried out/attempted to conduct/attempted to carry out] a financial transaction involving _____ [specify (1) property represented by a law enforcement officer to be the proceeds of unlawful activity or (2) property used to conduct or facilitate unlawful activity], intending to avoid a transaction reporting requirement under federal or state law,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-101(1)(c).

3730 Home Repair Fraud - Felony Amount

[Name of defendant] is charged in count ____ with home repair fraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] entered into a [written/verbal] [agreement/contract] with [name of person] for home repairs; and
3. [Name of defendant] [intentionally/knowingly] and unlawfully:
 - A. Misrepresented [a/an] [material/important] fact relating to the terms of the contract or agreement; or
 - B. Misrepresented the pre-existing or existing condition of a [portion/part] of the property involved; or
 - C. [Created/Confirmed] another person's impression about the property that was false and [name of defendant] did not believe to be true; or
 - D. Promised performance which [name of defendant] did not intend to perform; or
 - E. Promised performance which [name of defendant] knew would not be performed; or
 - F. [Used/Employed] a deception, false pretense, or false promise in order to [induce/encourage/solicit] [name of person] to enter into the [contract/agreement]; or

G. [Misrepresented/Concealed] either [his/her] real name, the name of [his/her] business, or [his/her] business address; or

H. Used deception, coercion, or force to [obtain/get] [name of person]'s consent to [modify/change] the terms of the original [contract/agreement]; and

3. The amount of the home repair fraud was more than \$5,000.00, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “home repair” means fixing, replacing, altering, converting, modernizing, or improving real property primarily used as a residence, or building or making an addition to real property primarily used as a residence.

Sources

Miss. Code Ann. § 97-23-103(2)(a) & (5)(c).

3731 Home Repair Fraud - Second Offense

[Name of defendant] is charged in count ____ with home repair fraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] entered into a [written/verbal] [agreement/contract] with [name of person] for home repairs; and
3. [Name of defendant] [intentionally/knowingly] and unlawfully:

- A. Misrepresented [a/an] [material/important] fact relating to the terms of the contract or agreement; or
- B. Misrepresented the pre-existing or existing condition of a [portion/part] of the property involved; or
- C. [Created/Confirmed] another person's impression about the property that was false and [name of defendant] did not believe to be true; or
- D. Promised performance which [name of defendant] did not intend to perform; or
- E. Promised performance which [name of defendant] knew would not be performed; or
- F. [Used/Employed] a deception, false pretense, or false promise in order to [induce/encourage/solicit] [name of person] to enter into the [contract/agreement]; or
- G. [Misrepresented/Concealed] either [his/her] real name, the name of [his/her] business or [his/her] business address; or
- H. Used deception, coercion, or force to [obtain/get] [name of person]'s consent to [modify/change] the terms of the original [contract/agreement]; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-23-103] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “home repair” means fixing, replacing, altering, converting, modernizing, or improving real property primarily used as a residence, or building or making an addition to real property primarily used as a residence.

Sources

Miss. Code Ann. § 97-23-103(2)(a) & (5)(b).

3732 Home Repair Fraud - By Causing Damage to Property - Felony Amount

[Name of defendant] is charged in count ____ with home repair fraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [intentionally/knowingly] and unlawfully damaged [name of person]'s property, intending to enter into [a/an] [agreement/contract] for home repair; and
 3. The amount of the home repair fraud was more than \$5,000.00,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “home repair” means fixing, replacing, altering, converting, modernizing, or improving real property primarily used as a residence, or building or making an addition to real property primarily used as a residence.

Sources

Miss. Code Ann. § 97-23-103(2)(b) & (5)(c).

3733 Home Repair Fraud - By Causing Damage to Property - Second Offense

[Name of defendant] is charged in count ____ with home repair fraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully damaged [name of person]'s property, intending to enter into [a/an] [agreement/contract] for home repair; and
3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-23-103] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “home repair” means fixing, replacing, altering, converting, modernizing, or improving real property primarily used as a residence, or building or making an addition to real property primarily used as a residence.

Sources

Miss. Code Ann. § 97-23-103(2)(b) & (5)(b).

3734 Home Repair Fraud - By Claiming to be a Public Employee - Felony Amount

[Name of defendant] is charged in count ____ with home repair fraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully misrepresented [himself/herself/another person] to be [a/an] _____ [specify employee or agent of the federal, state, or municipal government; or employee or agent of a governmental unit; or an employee or agent of a public utility], intending to cause [name of person] to enter into [a/an] [agreement/contract] with [name of defendant] or another person for home repair; and
3. The amount of the home repair fraud was more than \$5,000.00,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “home repair” means fixing, replacing, altering, converting, modernizing, or improving real property primarily used as a residence, or building or making an addition to real property primarily used as a residence.

Sources

Miss. Code Ann. § 97-23-103(2)(c) & (5)(c).

3735 Home Repair Fraud - By Claiming to be a Public Employee - Second Offense

[Name of defendant] is charged in count ____ with home repair fraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully misrepresented

[himself/herself/another person] to be [a/an] _____ [specify employee or agent of the federal, state, or municipal government; or employee or agent of a governmental unit; or an employee or agent of a public utility], intending to cause [name of person] to enter into [a/an] [agreement/contract] with [name of defendant] or another person for home repair; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-23-103] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “home repair” means fixing, replacing, altering, converting, modernizing, or improving real property primarily used as a residence, or building or making an addition to real property primarily used as a residence.

Sources

Miss. Code Ann. § 97-23-103(2)(c) & (5)(b).

3736 Possessing Retail Sales Receipts with the Intent to Defraud

[Name of defendant] is charged in count ____ with possessing retail sales receipts or universal product codes with intent to defraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully possessed 15 or more retail sales receipts or universal product code labels, intending to cheat or defraud a retailer;

OR

2B. [Name of defendant] unlawfully possessed a device to [manufacture/make] fraudulent retail sales receipts or universal product code labels, intending to cheat or defraud a retailer, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-105(2).

3737 Residential Mortgage Fraud

[Name of defendant] is charged in count ____ with residential mortgage fraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. Intending to defraud [name of person], [name of defendant] [intentionally/knowingly] and unlawfully made [a/an] [deliberate/intentional] [misstatement/misrepresentation/omission] during the mortgage lending process, intending that it be relied on by [name of licensed mortgage broker, mortgage lender, borrower, or other person in the mortgage lending process];

OR

2B. Intending to defraud [name of person], [name of defendant] [intentionally/knowingly] and unlawfully [used/facilitated the use of] [a/an] [deliberate/intentional] [misstatement/misrepresentation/omission], knowing that the

[misstatement/misrepresentation/omission] contained a [misstatement/misrepresentation/omission] during the mortgage lending process and intending that it be relied on by [name of company, borrower, or other person in the mortgage lending process];

OR

2C. Intending to defraud [name of person], [name of defendant] [intentionally/knowingly] and unlawfully received [proceeds/money/funds] in connection with a residential mortgage closing, knowing that the [proceeds/money/funds] [resulted/came] from [a/an] [deliberate/intentional] [misstatement/misrepresentation/omission] during the mortgage lending process;

OR

2D. Intending to defraud [name of person], [name of defendant] [intentionally/knowingly] and unlawfully [conspired/agreed] _____ [specify (1) to make [a/an] [deliberate/intentional] [misstatement/misrepresentation/omission] during the mortgage lending process; (2) to [use/facilitate the use of] [a/an] [deliberate/intentional] [misstatement/misrepresentation/omission] during the mortgage lending process; or (3) to receive [proceeds/money/funds] which [resulted/came] from [a/an] [deliberate/intentional] [misstatement/misrepresentation/omission] during the mortgage lending process];

OR

2E. Intending to defraud [name of person], [name of defendant] [intentionally/knowingly] and unlawfully [filed/caused to be filed] with the chancery clerk of _____ County a deed of trust, knowing that it contained [a/an] [deliberate/intentional] [misstatement/misrepresentation/omission],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-23-107(1).

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 38 Offenses Affecting Railroads, Public Utilities, and Carriers

3800 Larceny - Electric Power Equipment

[Name of defendant] is charged in count ____ with grand larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully took and carried away _____ [specify the property listed in § 97-25-1(1)], which was _____ [specify (1) owned by [name of electric power association] or (2) used to furnish electric power service], intending to keep the _____ [specify the property listed in § 97-25-1(1)]; and
3. The _____ [specify the property listed in § 97-25-1(1)] [was/were] valued at \$100 or more,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-1 and § 97-17-41.

3801 Embezzling Passenger Railroad Tickets

[Name of defendant] is charged in count ____ with embezzling passenger railroad tickets.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was [a/an] _____ [specify agent, clerk, employee, or officer] of

[name of railroad company]; and

3. [Name of defendant] unlawfully and fraudulently [embezzled/disposed of/converted to [his/her] own use] passenger railroad ticket(s),

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-9.

3802 Unlawfully Using Passenger Railroad Tickets

[Name of defendant] is charged in count ____ with unlawfully using passenger railroad tickets.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was [a/an] _____ [specify agent, clerk, employee, or officer] of [name of railroad company]; and
3. [Name of defendant] unlawfully used passenger railroad ticket(s), which had already been used and had come into [name of defendant]'s [hands/charge/possession] because of [his/her] [office/employment],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-9.

3803 Intoxicated Engineer

[Name of defendant] is charged in count ____ with being intoxicated while in charge of a locomotive engine.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was on duty and in charge of a locomotive engine, which was running or standing on [name of railroad]; and
 3. While [name of defendant] was on duty and in charge of the locomotive engine, [name of defendant] was unlawfully intoxicated,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-13.

3804 Intoxicated Conductor

[Name of defendant] is charged in count ____ with being intoxicated while conducting a car or train.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a conductor in charge of a railroad car or train; and
3. While [name of defendant] was a conductor in charge of the railroad car or train, [name of

defendant] was unlawfully intoxicated,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-13.

3805 Leaving Switch Open or Improperly Placed

[Name of defendant] is charged in count ____ with leaving a railroad switch open or improperly placed with someone being injured or killed as a result.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a _____ [specify breakman, breakwoman, switchman, switchwoman, or other person in charge of a railroad switch]; and
- 3A. [Name of defendant] [intentionally/willfully] and unlawfully left the switch located at _____ [specify location of switch] open or improperly placed;

OR

- 3B. [Name of defendant] unlawfully and carelessly left the switch located at _____ [specify location of switch] open or improperly placed; and
4. [Name of person] was injured or killed as a result of the switch being open or improperly placed,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-17.

3806 Damaging or Derailing a Railroad Car

[Name of defendant] is charged in count ____ with damaging or derailing a railroad car.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/wantonly] and unlawfully [injured/damaged] a railroad car;

OR

2B. [Name of defendant] maliciously and unlawfully [injured/damaged] a railroad car;

OR

2C. [Name of defendant] unlawfully placed an [impediment/object/obstruction] on a railroad;

OR

2D. [Name of defendant] unlawfully did _____ [describe defendant's alleged actions], which could cause a railroad car or vehicle to [diverge/be derailed/be thrown] from the track,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-23.

3807 Stealing or Interfering with Communications or Signaling Equipment

[Name of defendant] is charged in count ____ with stealing or interfering with communications or signaling equipment.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
- 2. [Name of defendant] unlawfully and maliciously [removed/took/stole/changed/interfered with] a _____ [specify railroad transmission line; signaling device; microwave tower; or parts or attachments to a communications or signaling device], which was [owned/leased/used] by [name of railroad company or transportation company], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-35.

3808 Leaving Locomotive or Train of Cars on Railroad Crossing

[Name of defendant] is charged in count ____ with leaving a locomotive or train of cars on a railroad crossing and someone being injured or killed as a result.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
- 2A. In violation of regulations adopted by [name of entity], [name of defendant] unlawfully stopped a locomotive or train of cars on a railroad crossing;

OR

2B. In violation of regulations adopted by [name of entity], [name of defendant] unlawfully left a locomotive or train of cars standing on a railroad crossing; and

3. As a [consequence/result], [name of person] was killed or injured, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-37.

3809 Interfering with a Railroad Company's or Other Business

[Name of defendant] is charged in count ____ with interfering with _____ [specify the type of company]'s business operation.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. By using force or violence, [name of defendant] unlawfully [obstructed/impeded/interfered with]:

- A. The regular business operation of [name of railroad company]; or
- B. The regular business operation of [name of public service corporation]; or
- C. The regular business operation of [name of person], who carried passengers or property; or
- D. The regular business operation of [name of public utility],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-45.

3810 Interfering with Public Transportation

[Name of defendant] is charged in count ____ with interfering with public transportation.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. By using force or violence, [name of defendant] unlawfully

[impeded/hindered/obstructed/interfered with]:

- A. The regularly running of [name of railroad company]'s locomotive engine, freight, or passenger train; or
- B. A vehicle used to transport people or property on a public highway; or
- C. The operation of [name of public utility],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-45.

3811 Shooting a Firearm or Throwing a Missile at a Train

[Name of defendant] is charged in count ____ with shooting a firearm or throwing a missile at a train or other means of transportation.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2A. [Name of defendant] [intentionally/willfully] and unlawfully shot a firearm at or into a _____ [specify train, bus, truck, motor vehicle, depot, station, or other means of transportation];

OR

2B. [Name of defendant] [intentionally/willfully] and unlawfully threw a missile at or into a _____ [specify train, bus, truck, motor vehicle, depot, station, or other means of transportation],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-47.

3812 Larceny of Telecommunications Device Equipment

[Name of defendant] is charged in count ____ with grand larceny.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully took and carried away _____ [specify the property listed in § 97-25-53(1)], intending to keep the _____ [specify the property listed in § 97-25-53(1)]; and
3. The _____ [specify the property listed in § 97-25-53(1)] [was/were] valued at \$100.00 or more,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-53(2) and § 97-17-41.

**3813 Using a Telecommunications Device with the Intent to Avoid Lawful Charges -
Second Offense**

[Name of defendant] is charged in count ____ with using a telecommunications device with the intent to avoid paying telecommunications service charges.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully used a telecommunications device intending to avoid payment of the lawful charge for service to the device; and
3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-25-54] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “telecommunications device” means any type of device or equipment

which transmits or receives telephonic, electronic, or radio communications.

In this instruction, “telecommunications service” means any service which charges a fee to send or receive sounds, images, or data by a telephone, cell phone, or other telecommunications device.

Sources

Miss. Code Ann. § 97-25-54(2)(a).

3814 Avoiding Lawful Telephone Service Charges - Second Offense

[Name of defendant] is charged in count ___ with avoiding lawful telephone service charges.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud [name of person providing telephone or telegraph service], [who/which] provided [telephone/telegraph] service, [name of defendant] [intentionally/knowingly/willfully] and unlawfully [avoided/attempted to avoid] the lawful charge for [telephone/telegraph] service by:

- A. Charging the service to an existing telephone number without the subscriber's authority or permission; or
- B. Charging the service to an existing credit card number without the subscriber's authority or permission; or
- C. Charging the service to a nonexistent telephone number; or
- D. Charging the service to a nonexistent credit card number; or

- E. Charging the service to a telephone number to which service had been [suspended/terminated], where notice of the [suspension/termination] had been given to the subscriber; or
- F. Charging the service to a [revoked/cancelled/expired] credit card number, where notice of the [revocation/cancellation/expiration] had been given to the credit card holder; or
- G. Using a code, pre-arranged plan, or similar [stratagem/deception] or device where [name of defendant] [sends/receives] information; or
- H. [Physically/Electrically/Acoustically/Inductively/Otherwise] [re-arranging/tampering with/making a connection with] a telephone or telegraph facility or equipment; or
- I. Using telephone or telegraph service, knowing or having reason to believe that a [rearrangement/tampering/connection] existed at the time of use; or
- J. Using a _____ [specify deception, false pretense, trick, scheme, device, conspiracy, agreement, or means]; or
- K. Fraudulently using false, changed, or stolen identification; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-25-54] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “telecommunications service” means any service which charges a fee to send or receive sounds, images, or data by a telephone, cell phone, or other telecommunications device.

Sources

Miss. Code Ann. § 97-25-54(2)(b).

3815 Assisting a Person Avoid Lawful Telephone Service Charges - Second Offense

[Name of defendant] is charged in count ____ with avoiding lawful telephone service charges.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. Intending to defraud [name of person providing telephone or telegraph service], [who/which] provided [telephone/telegraph] service, [name of defendant] [intentionally/knowingly/willfully] and unlawfully [aided/abetted/assisted/helped/caused] [name of person] to avoid the lawful charge for [telephone/telegraph] service by:
 - A. Charging the service to an existing telephone number without the subscriber's authority or permission; or
 - B. Charging the service to an existing credit card number without the subscriber's authority or permission; or
 - C. Charging the service to a nonexistent telephone number; or
 - D. Charging the service to a nonexistent credit card number; or
 - E. Charging the service to a telephone number to which service had been [suspended/terminated], where notice of the [suspension/termination] had been given to

the subscriber; or

F. Charging the service to a [revoked/cancelled/expired] credit card number, where notice of the [revocation/cancellation/expiration] had been given to the credit card holder; or

G. Using a code, pre-arranged plan, or similar [stratagem/deception] or device where [name of defendant] [sends/receives] information; or

H. [Physically/Electrically/Acoustically/Inductively/Otherwise] [re-arranging/tampering with/making a connection with] a telephone or telegraph facility or equipment; or

I. Using telephone or telegraph service, knowing or having reason to believe that a [re-arrangement/tampering/connection] existed at the time of use; or

J. Using a _____ [specify deception, false pretense, trick, scheme, device, conspiracy, agreement, or means]; or

K. Fraudulently using false, changed, or stolen identification; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-25-54] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “telecommunications service” means any service which charges a fee to send or receive sounds, images, or data by a telephone, cell phone, or other

telecommunications device.

Sources

Miss. Code Ann. § 97-25-54(2)(b).

**3816 Possessing or Selling a Device to Help Avoid Paying Lawful Telephone Charges -
Second Offense**

[Name of defendant] is charged in count ____ with possessing or selling a device to help avoid paying lawful telephone or telegraph charges.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully [made/possessed] [a/an] _____ [specify instrument, apparatus, or device], intending to use it to avoid lawful telephone or telegraph charges, or to [conceal/hide] the existence, place of origin, or destination of a telephone or telegraph message;

OR

2B. [Name of defendant] unlawfully [sold/gave/transferred] [a/an] _____ [specify instrument, apparatus, or device] to [name of person], knowing or having reason to believe it would be used to avoid lawful telephone or telegraph charges, or to [conceal/hide] the existence, place of origin, or destination of a telephone or telegraph message;

OR

2C. [Name of defendant] unlawfully [offered/advertised] [a/an] _____ [specify instrument, apparatus, or device], knowing or having reason to believe it would be used to avoid lawful telephone or telegraph charges, or to [conceal/hide] the existence, place of origin, or destination of a telephone or telegraph message;

OR

2D. [Name of defendant] unlawfully [sold/gave/transferred] to [name of person] [plans/instructions/kits] for [making/assembling] [a/an] _____ [specify instrument, apparatus, or device] that could be used to avoid lawful telephone or telegraph charges, or to [conceal/hide] the existence, place of origin, or destination of a telephone or telegraph message;

OR

2E. [Name of defendant] unlawfully [offered/advertised] [plans/instructions/kits] for [making/assembling] [a/an] _____ [specify instrument, apparatus, or device] that could be used to avoid lawful telephone or telegraph charges, or to [conceal/hide] the existence, place of origin, or destination of a telephone or telegraph message; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-25-54] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “telecommunications service” means any service which charges a fee to send or receive sounds, images, or data by a telephone, cell phone, or other telecommunications device.

Sources

Miss. Code Ann. § 97-25-54(3)(a).

3817 Possessing Telecommunications Devices with Intent to Sell

[Name of defendant] is charged in count ____ with possessing telecommunications devices with the intent to sell.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully possessed ten (10) or more telecommunications devices intending to [sell/offer for sale] to [name of person], who intended to avoid payment of lawful charges for service to the devices;

OR

2B. [Name of defendant] unlawfully [made/distributed/possessed/used/assembled] ten (10) or more unlawful telecommunications devices;

OR

2C. [Name of defendant] unlawfully [modified/changed/altere/d/programmed/reprogrammed] ten (10) or more telecommunications devices, which were designed, adapted, or could be used to commit a theft of telecommunications service;

OR

2D. [Name of defendant] unlawfully [modified/changed/altere/d/programmed/reprogrammed] ten (10) or more telecommunications devices, which were designed, adapted, or could be used to acquire or [facilitate/assist] the acquisition of telecommunications service, without the consent of the telecommunications service provider;

OR

2E. [Name of defendant] unlawfully [modified/changed/altered/programmed/reprogrammed] ten (10) or more telecommunications devices, which were designed, adapted, or could be used to conceal or to assist another person to conceal from a telecommunications service provider, or from a lawful authority, the existence, place of origin, or destination of a communication, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “telecommunications device” means any type of device or equipment which transmits or receives telephonic, electronic, or radio communications.

In this instruction, “telecommunications service” means any service which charges a fee to send or receive sounds, images, or data by a telephone, cell phone, or other telecommunications device.

In this instruction, “telecommunications service provider” means any business which charges a fee to send, display, distribute, or store data, images, text, video, or voice sounds by wire or wireless means.

Sources

Miss. Code Ann. § 97-25-54(3)(b).

3818 Publishing a Credit Card Number to Use to Avoid Paying For Lawful Telephone Charges - Second Offense

[Name of defendant] is charged in count ____ with publishing a credit card number to use

to avoid paying lawful telephone charges.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully published the number or code of [a/an] [existing/cancelled/revoked/expired/nonexistent] credit card, intending that it be used, or having reason to believe that it would be used, to avoid payment of lawful telephone or telegraph toll charges;

OR

2B. [Name of defendant] unlawfully published the numbering or coding, which was [employed/used] in issuing credit cards, intending that it be used, or knowing or having reason to believe that it would be used, to avoid payment of lawful telephone or telegraph toll charges; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-25-54] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “published” means communicating information to a person, either verbally, in person, or by telephone, radio or television, or electronic means, including use of a bulletin board system, a writing, a letter, a memorandum, a circular, a handbill, a newspaper, a

magazine article, or a book.

Sources

Miss. Code Ann. § 97-25-54(4).

3819 Allowing a Valid Credit Card Number to Be Used By Another to Avoid Paying For Lawful Charges - Second Offense

[Name of defendant] is charged in count ____ with allowing a valid calling card or code, credit card, or other device to be used by another person to avoid paying for lawful telecommunications services.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] held a _____ [specify calling card, calling code, credit card, or other means or device for legal use of telecommunications services]; and
 3. [Name of defendant] unlawfully received [money/something of value] for [intentionally/knowingly] allowing [name of person] to use [name of defendant]'s _____ [specify calling card, calling code, credit card, or other means or device for legal use of telecommunications services] to fraudulently receive telecommunications services; and
 4. [Name of defendant] was previously convicted of _____ [specify violation of § 97-25-54] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “telecommunications service” means any service which charges a fee to send or receive sounds, images, or data by a telephone, cell phone, or other telecommunications device.

Sources

Miss. Code Ann. § 97-25-54(5).

3820 Theft of Telecommunications Services

[Name of defendant] is charged in count ____ with theft of telecommunications services.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] [had/gained] control over the disposition of telecommunications services to which [name of defendant] was not entitled; and
 3. [Name of defendant] [intentionally/knowingly] and unlawfully diverted those telecommunications services to [his/her] own benefit, or to the benefit of [name of person], who was not entitled to those telecommunications services; and
 4. The telecommunications services [obtained/diverted] were valued at \$50.00 or more,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “telecommunications service” means any service which charges a fee to send or receive sounds, images, or data by a telephone, cell phone, or other telecommunications device.

Sources

Miss. Code Ann. § 97-25-54(6).

3821 Airplane Piracy

[Name of defendant] is charged in count ____ with airplane piracy.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully seized or exercised control of an airplane within the State of Mississippi's airspace, by using force, violence, or threats of force or violence, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-55(1).

3822 Assault with Intent to Commit Airplane Piracy

[Name of defendant] is charged in count ____ with assault with intent to commit airplane piracy.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. Intending to seize or exercise control of an airplane within the State of Mississippi's airspace, [name of defendant] unlawfully [intimidated/threatened/assaulted/battered] [name of person], who was a member of the flight crew or an attendant on the airplane, and interfered with [name of person] performing [his/her] duties, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-55(2).

3823 Assault with Intent to Commit Airplane Piracy - By Use of a Deadly Weapon

[Name of defendant] is charged in count ____ with assault with intent to commit airplane piracy by use of a deadly weapon.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. Intending to seize or exercise control of an airplane within the State of Mississippi's airspace, [name of defendant] unlawfully [employed/used] a dangerous or deadly weapon to [intimidate/threaten/assault/batter] [name of person], who was a member of the flight crew or an attendant on the airplane, and interfered with [name of person] performing [his/her] duties;

OR

2B. Intending to seize or exercise control of an airplane within the State of Mississippi's airspace, [name of defendant] unlawfully [employed/used] means capable of [inflicting/causing] serious bodily injury to [intimidate/threaten/assault/batter] [name of person], who was a member of the

flight crew or an attendant on the airplane, and interfered with [name of person] performing [his/her] duties,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Miss. Code Ann. § 97-25-55(2).

3824 Boarding an Airplane with a Concealed Deadly Weapon

[Name of defendant] is charged in count ____ with boarding an airplane with a concealed deadly weapon.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully boarded an airplane with a dangerous or deadly weapon, which was concealed _____ [specify (1) on [name of defendant]'s body or (2) in [name of defendant]'s belongings];

OR

- 2B. [Name of defendant] unlawfully boarded an airplane with means capable of

[inflicting/causing] serious bodily injury concealed _____ [specify (1) on [name of defendant]'s body or (2) in [name of defendant]'s belongings], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

Sources

Miss. Code Ann. § 97-25-55(3).

3825 Nuclear Sabotage - Damage to Facility

[Name of defendant] is charged in count ____ with nuclear sabotage.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/willfully], maliciously, and unlawfully

[destroyed/damaged/attempted to cause damage or loss] to [name of nuclear electrical generating facility], a nuclear electrical generating facility;

OR

2B. [Name of defendant] [intentionally/willfully], maliciously, and unlawfully

[destroyed/damaged/attempted to cause damage or loss to] the components of [name of nuclear

electrical generating facility], a nuclear electrical generating facility,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-57.

3826 Nuclear Sabotage - Stealing Fuel Rods

[Name of defendant] is charged in count ____ with nuclear sabotage.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully:

A. [Took/Stole/Removed/Carried away] the [spent/unspent] nuclear fuel rods
[used/stored] at [name of nuclear electrical generating facility], a nuclear electrical
generating facility; or

B. [Altered/Changed/Rendered/Made] the [spent/unspent] nuclear fuel rods [used/stored]
at [name of nuclear electrical generating facility], a nuclear electrical generating facility,
to be unsafe,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-25-57.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 39 Crimes Affecting Public Health

3900 Importing a Harmful Biological Substance

[Name of defendant] is charged in count ____ with importing a harmful biological substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully [imported/brought/sent] _____ [specify biological substance listed in § 97-27-11] [into/to] Mississippi, [intending/designing] to unlawfully [spread/assist in spreading/help in spreading] the _____ [specify biological substance listed in § 97-27-11] in order to harm human(s), animal(s), or plant life, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “harmful biological substance” means a bacteria, virus, or other micro-organism, or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.

Sources

Miss. Code Ann. § 97-27-11(1).

3901 Manufacturing a Harmful Biological Substance

[Name of defendant] is charged in count ____ with manufacturing a harmful biological substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. Without being authorized by law, [name of defendant] unlawfully [developed/manufactured/possessed] _____ [specify biological substance listed in § 97-27-11], a harmful biological substance,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “harmful biological substance” means a bacteria, virus, or other microorganism, or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.

Sources

Miss. Code Ann. § 97-27-11(1).

3902 Causing a Hoax about Exposure to a Harmful Substance or Device

[Name of defendant] is charged in count ____ with causing a hoax about exposure to a harmful biological substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully _____ [describe the defendant's alleged actions], intending to make [name of person(s)] falsely believe that [he/she/they] had been exposed to _____ [specify substance or device listed in § 97-27-12], a harmful [biological/chemical/radioactive] [substance/device/material], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “harmful biological substance” means a bacteria, virus, or other microorganism, or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.

In this instruction, “harmful biological device” means a device designed or intended to release a harmful biological substance.

In this instruction, “harmful chemical substance” means a solid, liquid, or gas that through its chemical or physical properties, along or in combination with one or more other chemical substances, can be used to cause death, injury, or disease in humans, animals, or plants.

In this instruction, “harmful chemical device” means a device that is designed or intended to release a harmful chemical substance.

In this instruction, “harmful radioactive material” means material that is radioactive and that can be used to cause death, injury, or disease in humans, animals, or growing plants by its

radioactivity.

In this instruction, “harmful radioactive device” means a device that is designed or intended to release a harmful radioactive material.

Sources

Miss. Code Ann. § 97-27-12.

Practice Note: The trial court should only define the specific substance or device to which the defendant is alleged to have exposed the victim(s).

3903 Intentionally Exposing Someone to HIV or Hepatitis

[Name of defendant] is charged in count ____ with intentionally exposing someone to human immunodeficiency virus (HIV), hepatitis B, or hepatitis C.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] knew that [he/she] had _____ [specify human immunodeficiency virus (HIV), hepatitis B, or hepatitis C]; and
 3. [Name of defendant] [intentionally/knowingly] and unlawfully exposed [name of person] to _____ [specify human immunodeficiency virus (HIV), hepatitis B, or hepatitis C]; and
 4. [Name of person] did not know that [name of defendant] had _____ [specify human immunodeficiency virus (HIV), hepatitis B, or hepatitis C] and did not [intentionally/willingly] consent to being exposed to _____ [specify human immunodeficiency virus (HIV), hepatitis B, or hepatitis C],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-27-14(1).

3904 Endangering by Bodily Substance

[Name of defendant] is charged in count ____ with endangerment by bodily substance.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] knew that [he/she] had _____ [specify human immunodeficiency virus (HIV), hepatitis B, or hepatitis C]; and
- 3A. [Name of defendant] unlawfully attempted to cause [name of person], who was a _____ [specify corrections employee, visitor to a correctional facility, prisoner, or offender], to come into contact with [name of defendant]'s _____ [specify blood, seminal fluid, urine, feces, or saliva];

OR

- 3B. [Name of defendant] [intentionally/knowingly] and unlawfully caused [name of person], who was a _____ [specify corrections employee, visitor to a correctional facility, prisoner, or offender], to come into contact with [name of defendant]'s _____ [specify blood, seminal fluid, urine, feces, or saliva],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “corrections employee” means a person who is an employee or contract employee of a department or agency responsible for operating a jail, prison, or correctional facility, or a person who is assigned to work in a jail, prison, or correctional facility.

In this instruction, “offender” means a person who is in the custody of the Mississippi Department of Corrections.

In this instruction, “prisoner” means a person confined in a county or city jail.

Sources

Miss. Code Ann. § 97-27-14(2).

Practice Note: The trial court should only define the victim's status if needed.

3905 Selling a Diseased Animal Product

[Name of defendant] is charged in count ____ with selling a diseased animal product.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully sold _____ [specify flesh of a diseased or dying animal] from an animal _____ [specify (1) which was slaughtered while [diseased/sick] or (2) which died from something other than being slaughtered],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-27-15.

3906 Selling Unwholesome Bread or Drink

[Name of defendant] is charged in count ____ with selling unwholesome bread or drink.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly] and unlawfully sold unwholesome _____ [specify bread or drink],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-27-15.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 40 Crimes Against Public Morals and Decency

4000 Adultery and Fornication - Between People not Allowed to Marry

[Name of defendant] is charged in count ___ with [adultery/fornication].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] and [name of person] were [prohibited/not allowed] to marry because they were related by blood by the _____ [specify degree]; and
3. [Name of defendant] unlawfully _____ [specify (1) cohabitated; (2) lived together as husband and wife; (3) committed adultery; or (4) committed fornication] with [name of person],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ___.

Sources

Miss. Code Ann. § 97-29-5.

See Miss. Code Ann. § 93-1-1.

4001 Adultery and Fornication - Going Out of State to Marry

[Name of defendant] is charged in count ___ with adultery or fornication.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a citizen or resident of the State of Mississippi; and

3. [Name of defendant] and [name of person] were [prohibited/not allowed] to marry because they were related by blood by the _____ [specify degree]; and
4. [Name of defendant] and [name of person] [left/went out of] the State of Mississippi to get married and did get married in _____ [specify State]; and
5. [Name of defendant] returned to Mississippi and unlawfully _____ [specify (1) cohabitated and lived together as man and wife or (2) copulated with] with [name of person], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:2.

Miss. Code Ann. § 97-29-9.

See Miss. Code Ann. § 93-1-1.

4002 Bigamy - Marrying a Second Person

[Name of defendant] is charged in count ____ with bigamy.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was married to [name of first spouse], who was alive; and
3. [Name of defendant] unlawfully married [name of second spouse],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:3.

Miss. Code Ann. § 97-29-13.

4003 Bigamy - Marrying a Person Knowing He or She is Already Married

[Name of defendant] is charged in count ____ with bigamy.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] was not married; and
 3. [Name of defendant] unlawfully married [name of person], knowing that [name of person] was already married to [name of person's spouse], who was alive,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:3.

Miss. Code Ann. § 97-29-13.

4004 Bribery - Offering a Bribe in a Sporting Event

[Name of defendant] is charged in count ____ with bribery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [gave/promised/offered] _____ [specify something of value] to [name of person], who was [a/an] [professional/amateur] _____ [specify

baseball player; football player; basketball player; tennis player; player who participated in or was expected to participate in a professional or amateur game or sport; person participating or was expected to participate in an athletic contest; coach, manager, or trainer of a team or an individual participant or prospective participant] in a [game/contest/sport], intending to influence [name of person] to _____ [specify (1) lose; (2) try to lose; (3) cause to be lost; (4) limit [his/her] margin of victory; or (5) limit [his/her] team's margin of victory] in [a/an] _____ [specify baseball, football, basketball, tennis, boxing, or other athletic contest] [game/contest/match], in which [name of person] _____ [specify (1) was taking part; (2) expected to take part; or (3) had a duty in], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:9.

Miss. Code Ann. § 97-29-17.

4005 Bribery - Asking for a Bribe in a Sporting Event

[Name of defendant] is charged in count ____ with bribery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was [a/an] [professional/amateur] _____ [specify baseball player; football player; basketball player; tennis player; boxer; participant or prospective participant in a sport or game; manager, coach, or trainer of a team or individual participant or

prospective participant] in a [game/contest/sport]; and

3. [Name of defendant] unlawfully [solicited/asked for/accepted] _____ [specify something of value] in order to influence [him/her] to _____ [specify (1) lose; (2) try to lose; (3) cause to be lost; (4) limit [his/her] margin of victory; or (5) limit [his/her] team's margin of victory] in [a/an] _____ [specify baseball, football, basketball, tennis, boxing, or other game or sport] [game/contest/match], in which [name of defendant] _____ [specify (1) was taking part; (2) expected to take part; or (3) had a duty in], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:9.

Miss. Code Ann. § 97-29-17.

4006 Unburying a Dead Person

[Name of defendant] is charged in count ____ with unburying a dead person.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully removed the dead body of [name of person] from [name of person]'s grave or place of interment, intending _____ [specify (1) to sell [name of person]'s dead body or (2) for [wantonness/immoral reasons]];

OR

2B. [Name of defendant] wantonly and unlawfully [dug into/opened] a grave or place of

interment, where the remains of a dead human body were interred;

OR

2C. [Name of defendant] wantonly and unlawfully disturbed the remains of a dead human body in a grave or place of interment,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:8.

Miss. Code Ann. § 97-29-19.

4007 Purchasing or Receiving the Remains of a Dead Person

[Name of defendant] is charged in count ____ with purchasing or receiving the remains of a dead person.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [purchased/received] the dead body of a human being, knowing that the dead body had been disinterred unlawfully,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:8.

Miss. Code Ann. § 97-29-21.

4008 Digging Up the Grave of a Dead Person for Unlawful Purposes

[Name of defendant] is charged in count ____ with opening up the grave of a dead person.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully opened a grave or place of interment, intending to move the dead body of a human being for the purpose of selling the dead body;

OR

2B. [Name of defendant] unlawfully opened a grave or place of interment, intending to move the dead body of a human being for the purpose of dissection;

OR

2C. [Name of defendant] unlawfully opened a grave or place of interment, intending to steal the coffin or a part of the coffin;

OR

2D. [Name of defendant] unlawfully opened a grave or place of interment, intending to steal the vestments or articles interred with the dead body,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:8.

Miss. Code Ann. § 97-29-23.

4009 Digging Up or Abusing a Dead Person's Remains

[Name of defendant] is charged in count ____ with digging up or abusing a dead person's remains.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully dug up a corpse or remains of a human being;

OR

- 2B. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully [desecrated/abused/violated] a corpse or remains of a human being;

OR

- 2C. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully caused a corpse or remains of a human being to be unlawfully _____ [specify (1) dug up or (2) [desecrated/abused/violated]],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-29-25(2).

4010 Incest - Marrying within Prohibited Degrees

[Name of defendant] is charged in count ____ with incest.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] and [name of person] were [prohibited/not allowed] to marry because they were related by blood by the _____ [specify degree]; and
3. [Name of defendant] unlawfully married [name of person],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:1.

Miss. Code Ann. § 97-29-27.

See Miss. Code Ann. § 93-1-1.

4011 Incest - Living Together as Husband and Wife after Divorce Because of Incest

[Name of defendant] is charged in count ____ with incest.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] and [name of ex-spouse] were divorced because of incest; and
3. After their divorce, [name of defendant] and [name of ex-spouse] unlawfully _____
[specify (1) cohabited; (2) lived together as man and wife; (3) committed adultery; or (4) committed fornication],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-29-29.

See Miss. Code Ann. § 93-1-1.

4012 Making an Obscene Telephone Call or Sending an Obscene Email

[Name of defendant] is charged in count ____ with [making an obscene telephone call/sending an obscene email].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2A. [Name of defendant] unlawfully made a [comment/request/suggestion/proposal], which was [obscene/lewd/lascivious/immoral/sexual] by [telecommunication/electronic communication], intending to [abuse/threaten/harass] [name of person], who was a party to the [telephone conversation/telecommunication/electronic communication];

OR

2B. [Name of defendant] unlawfully made [a/an] [telecommunication/electronic communication] threatening to inflict injury on or physical harm to _____ [specify (1) [name of person] or (2) [name of person]'s property], intending to [terrify/intimidate/harass];

OR

2C. [Name of defendant] unlawfully made a telephone call, without [disclosing/informing] [his/her] identity, intending to [annoy/abuse/threaten/harass] [name of person] at the called number;

OR

2D. [Name of defendant] unlawfully [made/caused to be made] [name of person]'s telephone to

repeatedly or continuously ring, intending to harass [name of person] at the called number;

OR

2E. [Name of defendant] unlawfully made repeated telephone calls to [name of person], in which a conversation occurred, but [solely/only] to harass [name of person] at the called number;

OR

2F. [Name of defendant] [intentionally/knowingly] and unlawfully permitted a computer or a telephone under [his/her] control to be used to:

A. Make a [comment/request/suggestion/proposal], which was [obscene/lewd/lascivious/immoral/sexual], by [telecommunication/electronic communication], intending to [abuse/threaten/harass] [name of person], who was a party to the [telephone conversation/telecommunication/electronic communication]; or

B. Make [a/an] [telecommunication/electronic communication] threatening to inflict injury on or physical harm to _____ [specify (1) [name of person] or (2) [name of person]'s property], intending to [terrify/intimidate/harass]; or

C. Make a telephone call, without [disclosing/informing] [his/her] identity, intending to [annoy/abuse/threaten/harass] [name of person] at the called number; or

D. [Make/Cause to make] [name of person]'s telephone to repeatedly or continuously ring, intending to harass [name of person] at the called number; or

E. Make repeated telephone calls to [name of person], in which a conversation occurred, but [solely/only] to harass [name of person] at the called number; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-29-45] in _____ [list court and details of previous conviction] on

_____ [list date of previous conviction] and of _____ [specify violation of § 97-29-45] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction]; and

4. [Name of defendant]'s previous convictions for _____ [specify violations of § 97-29-45] were committed within five (5) years of _____ [list date of current alleged crime],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “telecommunication” or “electronic communication” means a type of telephonic, electronic or radio communication, or transmitting signs, signals, data, writings, images, and sounds, or intelligence of any nature, by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photo-electronic, or photo-optical system, or creating, displaying, managing, storing, processing, transmitting, or distributing images, text, voice, video, or data by wire, cable, or wireless means, including the Internet.

Sources

Mississippi Model Jury Instruction - Criminal 12:5.

Miss. Code Ann. § 97-29-45.

4013 Having Sexual Intercourse with a Female More than 18 Years Old by False Promise of Marriage

[Name of defendant] is charged in count ____ with having sexual intercourse with a female who was more than 18 years old by a pretend or false marriage or promise of marriage.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of person] was a female more than eighteen (18) years old and of previous chaste character; and
3. [Name of defendant] [obtained/had] [carnal knowledge/sexual penetration] with [name of person] by a _____ [specify (1) [false/feigned] or pretend marriage or (2) [false/feigned] promise of marriage],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Definition(s) in this Instruction:

In this instruction, “carnal knowledge” means the slightest penetration of the sexual organ of the female by the sexual organ of the male. It is not necessary that the vagina be entered or that the hymen be ruptured; the entering of the vulva or labia is sufficient.

In this instruction, “sexual penetration” means any touching or penetrating of a person's anal, genital, or oral openings by [name of defendant] or by [name of defendant] inserting an object into a person's anal, genital or oral openings.

Sources

Miss. Code Ann. § 97-29-55.

4014 Committing a Crime Against Nature - Having Unnatural Sexual Intercourse

[Name of defendant] is charged in count ____ with committing a crime against nature.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully committed a detestable and abominable crime against nature with [name of person];

OR

- 2B. [Name of defendant] unlawfully committed a detestable and abominable crime against nature with [a/an] [animal/beast],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:6.

Miss. Code Ann. § 97-29-59.

4015 Trespassing by Voyeurism

[Name of defendant] is charged in count ____ with trespassing by voyeurism.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
- 2. [Name of defendant] lawfully or unlawfully entered upon [name of person]'s real property; and
- 3. [Name of defendant] unlawfully [pried/peeped through] a window or other opening in a _____ [specify dwelling or other building] for the

[lewd/licentious/immoral/sexual/indecent] purpose of spying on [name of person(s)],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 16:7.

Miss. Code Ann. § 97-29-61.

4016 Violating a Person's Privacy by Photographing or Filming without Permission

[Name of defendant] is charged in count ____ with unlawfully photographing, filming,
videotaping, or recording a person without [his/her] permission.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of person] was undressed and located in _____ [specify the place where a person would have a reasonable expectation of privacy, including a private dwelling, a facility used as a restroom, bathroom, shower room, tanning booth, locker room, fitting room, dressing room, or bedroom], where [he/she] had a reasonable expectation of privacy; and
3. With [lewd/licentious/indecent/immoral/sexual] intentions, [name of defendant] unlawfully and secretly [photographed/filmed/videotaped/recorded/reproduced] [name of person]'s image, without [name of person]'s permission,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-29-63.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 41 Intoxicating Beverage Offenses

4100 Unlawfully Manufacturing Intoxicating Beverages

[Name of defendant] is charged in count ____ with unlawfully manufacturing intoxicating beverages.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully [manufactured/distilled] _____ [specify vinous, malt, spirituous, or intoxicating liquor or drink], which when drunk to excess produces intoxication,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-31-21.

4101 Unlawfully Manufacturing Intoxicating Beverages - Second Offense

[Name of defendant] is charged in count ____ with unlawfully manufacturing intoxicating beverages.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [manufactured/distilled] _____ [specify vinous, malt, spirituous, or intoxicating liquor or drink], which when drunk to excess produces

intoxication; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-31-21] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-31-21.

4102 Unlawfully Possessing a Still

[Name of defendant] is charged in count ____ with unlawfully possessing a still.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [owned/controlled/possessed] a distillery, also called a "still," or any part of a still; and
3. When [name of defendant] unlawfully [owned/controlled/possessed] the still, or any part of the still, the still was not:
 - A. Used exclusively for the distillation of rosin products; or
 - B. Used exclusively for the distillation of water; or
 - C. Kept and lawfully used in a laboratory; or
 - D. Used exclusively for the distillation of ethyl alcohol for fuel purposes only; or
 - E. Possessed by law enforcement officers to be disposed of according to law; or

F. Possessed by [name of defendant] in order to be delivered to law enforcement officers to be disposed of according to law,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-31-23.

4103 Unlawfully Possessing a Still - Second Offense

[Name of defendant] is charged in count ____ with unlawfully possessing a still.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [owned/controlled/possessed] a distillery, also called a "still," or any part of a still; and
3. When [name of defendant] unlawfully [owned/controlled/possessed] the still, or any part of the still, the still was not:
 - A. Used exclusively for the distillation of rosin products; or
 - B. Used exclusively for the distillation of water; or
 - C. Kept and lawfully used in a laboratory; or
 - D. Used exclusively for the distillation of ethyl alcohol for fuel purposes only; or
 - E. Possessed by law enforcement officers to be disposed of according to law; or
 - F. Possessed by [name of defendant] in order to be delivered to law enforcement officers to be disposed of according to law; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-31-23] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-31-23.

4104 Selling or Possessing Intoxicating Beverages - Third Offense

[Name of defendant] is charged in count ___ with unlawfully selling or possessing intoxicating beverages.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] unlawfully [sold/bartered/kept/possessed/gave away] _____ [specify vinous, wine, alcoholic, malt, intoxicating, or spirituous liquor, or intoxicating bitters or drinks], which when drunk to excess produces intoxication; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-31-27] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-31-27] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-31-27.

4105 Bringing Intoxicating Beverages into Correctional Facilities

[Name of defendant] is charged in count ____ with bringing intoxicating beverages into a correctional facility or jail.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully [sold/possessed] _____ [specify alcoholic beverage], which when drunk to excess produces intoxication, while in _____ [specify correctional facility, convict camp within the state, or county, municipal, or other jail]:

OR

- 2B. [Name of defendant] unlawfully brought _____ [specify alcoholic beverage], which when drunk to excess produces intoxication, to _____ [specify correctional facility, convict camp within the state, or county, municipal, or other jail],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-31-35.

4106 Jailer Allowing Intoxicating Beverages in Correctional Facilities

[Name of defendant] is charged in count ____ with allowing intoxicating beverages in a correctional facility or jail.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was a _____ [specify keeper or officer in charge of a correctional facility, camp or jail, or employee at the facility, camp or jail]; and
3. [Name of defendant] [intentionally/knowingly] and unlawfully [permitted/allowed] an alcoholic beverage to be [sold/possessed/used] within the _____ [specify correctional facility or jail],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-31-35.

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 42 Tobacco Offenses

(No instructions)

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 43 Gambling and Lotteries

4300 When a Slot Machine Is a Gambling Device

A slot machine is an unlawful gambling device if (1) it gives or is made to give the player something of value in different amounts in addition to the same amount of merchandise or money received; or (2) it is built so that slugs, tokens, coins, or similar items are or may be used and will be given to the operator in addition to the merchandise or money that is contained in the machine.

Sources

Mississippi Model Jury Instruction - Criminal 14:1.

Miss. Code Ann. § 97-33-7.

4301 When a Slot Machine Is Not a Gambling Device

A slot machine is not an unlawful gambling device if the player receives exactly the same amount of merchandise or money each time the machine is played or operated.

Sources

Mississippi Model Jury Instruction - Criminal 14:1.

Miss. Code Ann. § 97-33-7.

4302 When a Pinball Machine Is Not a Gambling Device

A pinball machine is not an unlawful gambling device if the machine only gives the player free additional games to play.

Sources

Mississippi Model Jury Instruction - Criminal 14:1.

Miss. Code Ann. § 97-33-7.

4303 Possession of a Gambling Device - Second Offense

[Name of defendant] is charged in count ____ with possessing a gambling device.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [possessed/owned/controlled/displayed/operated] [a/an] _____ [specify cane rack, knife rack, artful dodger, punch board, roll down, merchandise wheel, slot machine, pinball machine, or similar gambling device]; and
3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-33-7] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Mississippi Model Jury Instruction - Criminal 14:1.

Miss. Code Ann. § 97-33-7.

4304 Gambling with a Minor

[Name of defendant] is charged in count ____ with gambling with a minor.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was 21 years old or older; and

3. [Name of defendant] unlawfully [bet/gambled] _____ [specify money or something of value] with [name of minor], who was less than 21 years old, knowing that [name of minor] was less than 21 years old,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-33-23.

4305 Allowing a Minor to Gamble at Games

[Name of defendant] is charged in count ____ with allowing a minor to gamble.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was 21 years old or older; and
3. [Name of defendant] unlawfully allowed [name of minor], who was less than 21 years old, to [bet/gamble] at _____ [describe the game(s)], knowing that [name of minor] was less than 21 years old,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-33-23.

4306 Allowing a Minor to Gamble at Gaming Tables

[Name of defendant] is charged in count ____ with allowing a minor to gamble.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was 21 years old or older; and
3. [Name of defendant] unlawfully allowed [name of minor], who was less than 21 years old, to [bet/gamble] at _____ [describe the gaming-table] _____ [specify (1) which [name of defendant] showed to [name of minor] or (2) in which [name of defendant] had an interest], knowing that [name of minor] was less than 21 years old, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-33-23.

4307 Putting on a Lottery

[Name of defendant] is charged in count ____ with putting on a lottery.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully put [up/on] a [public/private] lottery,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty in count ____.

Sources

Miss. Code Ann. § 97-33-31.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 44 Crimes Against Public Peace and Safety

4400 Disorderly Conduct Causing Injury or Death

[Name of defendant] is charged in count ___ with disorderly conduct causing injury or death.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of law enforcement officer], who was a law enforcement officer,

[asked/requested/ordered/commanded/told] [name of defendant]:

A. To [move/remove] [himself/herself] from the area or place where the [request/command/order] was [made/given]; or

B. To [move/remove] [name of defendant]'s vehicle from the area or place where the [request/command/order] was [made/given]; or

C. To [move/remove] an object under [name of defendant]'s control from the area or place where the [request/command/order] was [made/given]; or

D. To get up if [name of defendant] was lying or sitting down and move to another location away from the area or place where the [request/command/order] was [made/given]; or

E. To stop lying or sitting down at or near the area or place where the [request/command/order] was [made/given]; or

F. Not to obstruct, with [name of defendant]'s body, or a part of [his/her] body, vehicles which were passing by; or

G. Not to [place/allow] [name of defendant]'s body, or a part of [his/her] body, to be in front of or behind a vehicle that would prevent or interfere with the vehicle from moving;

or

H. Not to [place/allow] [name of defendant]'s body, or a part of [his/her] body, to block a vehicle from being able to move; or

I. Not to assist another person in placing or allowing the other person's body, or part of [his/her] body, to be in front of or behind a vehicle that would prevent or interfere with the vehicle from being able to move; or

J. Not to assist another person in placing or allowing the other person's body, or part of [his/her] body, to block a vehicle from being able to move; or

K. Not to [chain/tie/bind] [himself/herself/another person] to an object or person; or

L. To [untie/unchain] [himself/herself] from an object that was preventing [himself/herself] from being able to move away from the area or place where the [request/command/order] was [made/given]; or

M. To [walk/move] to, enter, and remain inside a law enforcement vehicle as told by the law enforcement officer; or

N. To avoid doing or not to do something which would have led to a breach of the peace in the area or place where the [request/command/order] was [made/given]; and

3. Intending to [provoke/cause] a breach of the peace or under circumstances which could lead to a breach of the peace or [cause/occasion] a breach of the peace, [name of defendant] unlawfully [failed/refused] to promptly comply with or obey [name of law enforcement officer]'s [request/command/order] in such a [manner/way], or under such circumstances, that indicated

[name of defendant]'s [intentional/willful] and wanton disregard for the safety or life of others;
and

4. [Name of person] was [injured/maimed/killed] as a result of [name of defendant]'s [intentional/willful] and unlawful [failure/refusal] to comply with or obey [name of law enforcement officer]'s [request/command/order],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-35-7(1) and (3).

4401 Disorderly Conduct Causing Injury or Death - Aiding or Assisting

[Name of defendant] is charged in count ____ with aiding or assisting disorderly conduct causing injury or death.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of law enforcement officer], who was a law enforcement officer,

[asked/requested/ordered/commanded/told] [name of person]:

A. To [move/remove] [himself/herself] from the area or place where the [request/command/order] was [made/given]; or

B. To [move/remove] [name of person]'s vehicle from the area or place where the [request/command/order] was [made/given]; or

C. To [move/remove] an object under [name of person]'s control from the area or place

where the [request/command/order] was [made/given]; or

D. To get up if [name of person] was lying or sitting down and move to another location away from the area or place where the [request/command/order] was [made/given]; or

E. To stop lying or sitting down at or near the area or place where the [request/command/order] was [made/given]; or

F. Not to obstruct, with [name of person]'s body, or a part of [his/her] body, vehicles which were passing by; or

G. Not to [place/allow] [name of person]'s body, or a part of [his/her] body, to be in front of or behind a vehicle that would prevent or interfere with the vehicle from moving; or

H. Not to [place/allow] [name of person]'s body, or a part of [his/her] body, to block a vehicle from being able to move; or

I. Not to assist another person in placing or allowing the other person's body, or part of [his/her] body, to be in front of or behind a vehicle that would prevent or interfere with the vehicle from being able to move; or

J. Not to assist another person in placing or allowing the other person's body, or part of [his/her] body, to block a vehicle from being able to move; or

K. Not to [chain/tie/bind] [himself/herself/another person] to an object or person; or

L. To [untie/unchain] [himself/herself] from an object that was preventing [himself/herself] from being able to move away from the area or place where the [request/command/order] was [made/given]; or

M. To [walk/move] to, enter, and remain inside a law enforcement vehicle as told by the law enforcement officer; or

N. To avoid doing or not to do something which would have led to a breach of the peace in the area or place where the [request/command/order] was [made/given]; and

3. Intending to [provoke/cause] a breach of the peace or under circumstances which could lead to a breach of the peace or [cause/occasion] a breach of the peace, [name of defendant] unlawfully [aided/assisted/caused/encouraged] [name of person] to unlawfully [fail/refuse] to comply with or obey [name of law enforcement officer]'s [request/command/order] in such a [manner/way], or under such circumstances, that indicated [name of defendant]'s [intentional/willful] and wanton disregard for the safety and life of others; and

4. [Name of victim] was injured or killed as a result of [name of defendant]'s [aid/assistance/causing/encouragement] to [name of person] not to comply with or obey [name of law enforcement officer]'s [request/command/order], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-35-7(1), (2) and (3).

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 45 Weapons and Explosives

4500 Carrying a Concealed Weapon - Third Offense

[Name of defendant] is charged in count ___ with carrying a concealed weapon.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully carried a [partly/completely] concealed _____
[specify bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, slingshot, pistol, revolver, rifle with a barrel less than sixteen (16) inches long, or shotgun with a barrel less than eighteen (18) inches long, machine gun, or fully automatic firearm, or deadly weapon, or muffler or silencer for a firearm]; and
3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-37-1] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-37-1] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-1(1)(c).

4501 Using an Imitation Firearm - Third Offense

[Name of defendant] is charged in count ____ with using an imitation firearm.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [used/attempted to use] [a/an] _____ [specify imitation firearm] against [name of person]; and
3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-37-1] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction] and of _____ [specify violation of § 97-37-1] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-1(1)(c).

4502 Carrying a Concealed Weapon - By a Convicted Felon

[Name of defendant] is charged in count ____ with carrying a concealed weapon while being a convicted felon.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully carried a [partly/completely] concealed _____ [specify bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack,

slingshot, pistol, revolver, rifle with a barrel less than sixteen (16) inches long, or shotgun with a barrel less than eighteen (18) inches long, machine gun, or fully automatic firearm, or deadly weapon, or muffler or silencer for a firearm]; and

3. [Name of defendant] was previously convicted of _____ [specify felony conviction] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-1(1)(d).

4503 Using an Imitation Firearm - By a Convicted Felon

[Name of defendant] is charged in count ___ with using an imitation firearm while being a convicted felon.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [used/attempted to use] [a/an] _____ [specify imitation firearm] against [name of person]; and
3. [Name of defendant] was previously convicted of _____ [specify felony conviction] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-1(1)(d).

4504 Possessing a Weapon - By a Convicted Felon

[Name of defendant] is charged in count ____ with possessing a weapon while being a convicted felon.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully possessed a _____ [specify the firearm, bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, muffler or silencer for any firearm]; and
3. [Name of defendant] was previously convicted of _____ [specify felony conviction] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-5(1).

4505 Possessing a Weapon on Educational Property

[Name of defendant] is charged in count ____ with possessing a weapon on educational

property.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [carried/possessed] [a/an] _____ [specify the gun, rifle, pistol, other firearm, dynamite cartridge, bomb, grenade, mine, or other powerful explosive] [in/on] _____ [specify the educational property], which is educational property, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “educational property” means any public or private school building, bus, campus, grounds, recreational area, athletic field, or other property owned by a local school board, school, college, or university.

Sources

Miss. Code Ann. § 97-37-17.

4506 Causing a Minor to Possess a Weapon on Educational Property

[Name of defendant] is charged in count ____ with causing a minor to possess or carry a weapon on educational property.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [caused/encouraged/aided/assisted/helped] [name of minor],

who was less than 18 years old, to [carry/possess] a _____ [specify the gun, rifle, pistol, other firearm, dynamite cartridge, bomb, grenade, mine, or other powerful explosive] on _____ [specify the educational property], which is educational property, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “educational property” means any public or private school building, bus, campus, grounds, recreational area, athletic field, or other property owned by a local school board, school, college, or university.

Sources

Miss. Code Ann. § 97-37-17.

4507 Making a False Bomb or Weapon Report

[Name of defendant] is charged in count ____ with making a false bomb or weapon report.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully reported to [name of person] that [a/an] _____ [specify bomb, explosive, chemical, biological or other weapon of mass destruction] [had been/was about to be] [placed/secreted/hidden] [at/in] _____ [specify public or private place] knowing that the report was false, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-21.

4508 Possessing Explosives

[Name of defendant] is charged in count ____ with possessing explosives.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] unlawfully possessed [a/an] _____ [specify dynamite caps; nitroglycerine caps; fuses; detonators; dynamite; nitroglycerine; explosives; gas or stink bombs; other explosives used in committing a crime; bomb; grenade; rocket with a propellant charge of more than four ounces; missile with an explosive charge of more than one-quarter (1/4) ounce; mine; a combination of parts designed to convert a device into an explosive device; a device which included a breakable container and flammable liquid or compound and a wick which can ignite the flammable liquid or compound and can be carried or thrown; or other explosive used in committing a crime],
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-23(1).

4509 Bombing

[Name of defendant] is charged in count ____ with bombing.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully bombed [a/an] _____ [specify building; residence; ship; vessel; boat; railroad station; railroad car or coach; bus station; depot; bus; truck; aircraft; or another vehicle; gas or oil station; pipeline; radio station; radio equipment or other means of communication; warehouse; electric plant; water plant; telephone exchange or the lines belonging to a telephone exchange; place where people were located or were being transported; place where there was manufacturing, storing, assembling, shipping, or preparing to ship goods, wares, merchandise, or something of value], with [a/an] _____ [specify bomb, explosive matter, or chemical, biological or other weapon of mass destruction], intending to unlawfully hurt or harm a person or property;

OR

2B. [Name of defendant] unlawfully [planted/placed] [a/an] _____ [specify bomb, explosive matter, or chemical, biological, or other weapon of mass destruction] [in/upon/near] [a/an] _____ [specify building; residence; ship; vessel; boat; railroad station; railroad car or coach; bus station; depot; bus; truck; aircraft; another vehicle; gas or oil station; pipeline; radio station; radio equipment or other means of communication; warehouse; electric plant; water plant; telephone exchange or the lines belonging to a telephone exchange; place where people were located or were being transported; or a place where there was manufacturing, storing, assembling, shipping, or preparing to ship goods, wares, merchandise, or something of value], intending to unlawfully hurt or harm a person or property,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-25.

4510 Shooting into a Dwelling House

[Name of defendant] is charged in count ____ with shooting into a dwelling house.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/willfully] and unlawfully [shot/discharged] a _____ [specify pistol, shotgun, rifle, or firearm] into a dwelling house;

OR

2B. [Name of defendant] [intentionally/willfully] and unlawfully [shot/discharged] a _____ [specify pistol, shotgun, rifle, or firearm] into a building, which was usually occupied by people,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-29.

4511 Possessing or Attempting to Possess a Stolen Firearm

[Name of defendant] is charged in count ____ with possessing a stolen firearm.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully

[possessed/received/retained/kept/acquired/obtained/got/disposed of] a stolen _____

[specify firearm];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to

[possess/receive/retain/keep/acquire/obtain/get/dispose of] a stolen _____ [specify

firearm],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-35(1).

4512 Selling a Stolen Firearm

[Name of defendant] is charged in count ____ with selling a stolen firearm.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully [sold/delivered/transferred] a

stolen _____ [specify firearm] to [name of person];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to

[sell/deliver/transfer] a stolen _____ [specify firearm] to [name of person],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-35(2).

4513 Trafficking in Stolen Firearms - Possessing or Attempting to Possess

[Name of defendant] is charged in count ____ with trafficking in stolen firearms.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully

[possessed/received/retained/kept/acquired/obtained/got/disposed of] a stolen _____

[specify firearm];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to

[possess/receive/retain/keep/acquire/obtain/get/dispose of] a stolen _____ [specify

firearm]; and

3. [Name of defendant] was previously convicted of _____ [specify violation of

§ 97-37-35] in _____ [list court and details of previous conviction] on _____

[list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-35(1) and (3).

4514 Trafficking in Stolen Firearms - Selling or Attempting to Sell

[Name of defendant] is charged in count ____ with trafficking in stolen firearms.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully [sold/delivered/transferred] a stolen _____ [specify firearm] to [name of person];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to [sell/deliver/transfer] a stolen _____ [specify firearm] to [name of person]; and

3. [Name of defendant] was previously convicted of _____ [specify violation of § 97-37-35] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-35(1) and (3).

4515 Trafficking in Stolen Firearms - Possessing or Attempting to Possess Two or More Stolen Firearms

[Name of defendant] is charged in count ____ with trafficking in stolen firearms.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully

[possessed/received/retained/kept/acquired/obtained/got/disposed of] two (2) or more stolen

_____ [specify firearms];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to

[possess/receive/retain/keep/acquire/obtain/get/dispose of] two (2) or more stolen _____

[specify firearms],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-35(1) and (3).

4516 Trafficking in Stolen Firearms - Selling or Attempting to Sell Two or More Stolen Firearms

[Name of defendant] is charged in count ____ with selling stolen firearms.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/knowingly] and unlawfully [sold/delivered/transferred]

two (2) or more stolen _____ [specify firearms] to [name of person];

OR

2B. [Name of defendant] [intentionally/knowingly] and unlawfully attempted to [sell/deliver/transfer] two (2) or more stolen _____ [specify firearms] to [name of person], then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-35(1) and (3).

4517 Committing or Attempting to Commit a Crime While Possessing a Stolen Firearm

[Name of defendant] is charged in count ____ with attempting to commit a crime while possessing a stolen firearm.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] committed _____ [specify crime]:
 - A. [Elements of crime];
 - B. [Elements of crime]; and
 - C. [Elements of crime],

while unlawfully possessing a stolen _____ [specify firearm];

OR

- 2B. [Name of defendant] attempted to commit _____ [specify crime]:
 - A. [Elements of crime];
 - B. [Elements of crime]; and

C. [Elements of crime],
while unlawfully possessing a stolen _____ [specify firearm],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-35(4).

4518 Committing a Felony by Using a Firearm

[Name of defendant] is charged in count ____ with committing a felony by using a firearm.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] committed _____ [specify felony]:
 - A. [Elements of felony];
 - B. [Elements of felony]; and
 - C. [Elements of felony]; and
3. [Name of defendant] unlawfully [used/displayed] a _____ [specify firearm] while committing that _____ [specify felony],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,
then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-37(1).

4519 Committing a Felony by Using a Firearm - By a Convicted Felon

[Name of defendant] is charged in count ____ with committing a felony by using a firearm and being a convicted felon.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] was previously convicted of _____ [specify felony conviction] in _____ [list court and details of previous conviction] on _____ [list date of previous conviction]; and
3. [Name of defendant] committed _____ [specify felony]:
 - A. [Elements of felony];
 - B. [Elements of felony]; and
 - C. [Elements of felony]; and
4. [Name of defendant] unlawfully [used/displayed] a _____ [specify firearm] while committing that _____ [specify felony],
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-37-37(2).

Proposed Plain Language Model Jury Instructions - Criminal

Chapter 46 Dueling

(No instructions)

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 47 Cruelty to Animals

4700 Injuring or Killing Livestock

[Name of defendant] is charged in count ____ with [injuring/killing] livestock.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] maliciously and unlawfully [killed/maimed/wounded/injured] livestock for revenge or to be cruel by _____ [describe defendant's alleged actions];

OR

2B. [Name of defendant] mischievously and unlawfully [killed/maimed/wounded/injured] livestock by _____ [describe defendant's alleged actions];

OR

2C. [Name of defendant] caused [name of person] to maliciously and unlawfully [kill/maim/wound/injure] livestock, by _____ [describe defendant's alleged actions];

OR

2D. [Name of defendant] caused [name of person] to mischievously and unlawfully [kill/maim/wound/injure] livestock, by _____ [describe defendant's alleged actions],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “livestock” means horses, cattle, swine, sheep and other domestic animals produced for profit.

Sources

Miss. Code Ann. § 97-41-15(1).

4701 Aggravated Cruelty to a Dog or Cat - Second Offense

[Name of defendant] is charged in count ____ with aggravated cruelty to a dog or cat.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] intentionally, maliciously, and unlawfully

[tortured/mutilated/maimed/burned/starved/disfigured] a domesticated [dog/cat];

OR

2B. [Name of defendant] intentionally, maliciously, and unlawfully caused [name of person] to

[torture/mutilate/maim/burn/starve/disfigure] a domesticated [dog/cat]; and

3. [Name of defendant] was previously convicted of _____ [specify violation

of § 97-41-16] in _____ [list court and details of previous conviction] on _____

[list date of previous conviction], which is within five (5) years of _____ [date of alleged

crime],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-41-16(2).

4702 Poisoning Animals

[Name of defendant] is charged in count ____ with poisoning an animal or animals.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] [intentionally/willfully] and unlawfully [administered/gave] poison to _____ [specify horse, mare, colt, mule, jack, jennet, cattle, deer, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge];

OR

2B. [Name of defendant] maliciously and unlawfully exposed [a/an] _____ [specify horse, mare, colt, mule, jack, jennet, cattle, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge] to a poisonous substance, intending that the _____ [specify horse, mare, colt, mule, jack, jennet, cattle, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge] would [take/swallow] the poisonous substance, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-41-17.

4703 Dog Fighting

[Name of defendant] is charged in count ____ with dog fighting.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully [sponsored/promoted/staged/conducted/held] a fight or fighting match between dogs;

OR

2B. [Name of defendant] unlawfully [wagered/bet/promoted/encouraged wagering or betting] [money/something of value] [upon/on] a fight or fighting match between dogs;

OR

2C. [Name of defendant] owned a dog, _____ [specify (1) intending to [intentionally/willfully] and unlawfully enter it in a fight or fighting match between dogs or (2) intending to have it participate in a fight or fighting match between dogs];

OR

2D. [Name of defendant] unlawfully [trained/transported/carried] a dog for the purpose of participating in a fight or fighting match between dogs,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-41-19(1).

4704 Being Present at a Dog Fight

[Name of defendant] is charged in count ____ with being present at a dog fight.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] was unlawfully present, as a spectator, at _____ [specify location], where preparations were being made for [a/an] [exhibition/showing] of a dog fight, intending to be present at the preparations;

OR

2B. [Name of defendant] was unlawfully present at [a/an] [exhibition/showing] of a dog fight, intending to be present at the exhibition,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-41-19(2).

4705 Injuring or Killing a Public Service Animal

[Name of defendant] is charged in count ____ with [injuring/killing] a public service animal.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/purposely] and without just [cause/reason], unlawfully [killed/injured] _____ [specify public service animal], which was a public service animal,
then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “public service animal” means an animal trained and used to assist a law enforcement, public safety, or a search and rescue agency.

Sources

Miss. Code Ann. § 97-41-23.

Proposed Mississippi Plain Language Model Jury Instructions - Criminal
Chapter 48 Racketeer Influenced and Corrupt Organization Act (RICO)

4800 Racketeering Activity - Definition

Racketeering activity means committing, attempting to commit, agreeing to commit, or asking or intimidating another person to commit (1) fraud; (2) a violation of the Mississippi Securities Act; (3) unlawful possession, use, and transportation of explosives; (4) murder; (5) aggravated assault; (6) kidnapping; (7) robbery; (8) burglary; (9) arson; (10) prostitution; (11) exploitation of children; (12) a violation of the Uniform Controlled Substances Law, which is punishable by more than one (1) year in prison; (13) forgery and counterfeiting; (14) an offense affecting the administration of justice; or (15) offenses relating to gambling and lotteries.

Sources

Miss. Code Ann. § 97-43-5.

4801 Unlawful Debt - Definition

An unlawful debt means money or something of value that is principal or interest of an illegal debt that is unenforceable because it was a result of illegal gambling, or because it came from lending money at an illegal rate, which is at least twice the legal lending rate.

Sources

Miss. Code Ann. § 97-43-5.

4802 Enterprise - Definition

Enterprise means an individual, sole proprietorship, partnership, corporation, union, other organization, association, or group of individuals, who are associated with one another.

Enterprise includes legal as well as illegal organizations.

Sources

Miss. Code Ann. § 97-43-5.

4803 Pattern of Racketeering Activity - Definition

A pattern of racketeering activity means committing at least two (2) acts of racketeering conduct that have the same or similar characteristics or are related to one another. The last racketeering activity must have occurred within five (5) years after a previous racketeering activity.

Sources

Miss. Code Ann. § 97-43-5.

4804 Proceeds from Racketeering Activity or an Unlawful Debt

[Name of defendant] is charged in count ____ with racketeering.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] unlawfully received [proceeds/money] from a pattern of racketeering activity to [use/invest] the [proceeds/money] to [acquire/get/purchase] real property or [a/an] [right/interest/equity] in real property, or in [establishing/operating] an enterprise;
- OR
- 2B. [Name of defendant] unlawfully received [proceeds/money] through the collection of an unlawful debt to [use/invest] the [proceeds/money] to [acquire/get/purchase] real property or [a/an] [right/interest/equity] in real property, or in [establishing/operating] an enterprise; and
3. The pattern of racketeering activity included at least two (2) [incidents/acts] of racketeering conduct, occurring within five (5) years of each other,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “racketeering activity” means committing, attempting to commit, agreeing to commit or asking or intimidating another person to commit (1) fraud; (2) a violation of the Mississippi Securities Act; (3) unlawful possession, use, and transportation of explosives; (4) murder; (5) aggravated assault; (6) kidnapping; (7) robbery; (8) burglary; (9) arson; (10) prostitution; (11) exploitation of children; (12) a violation of the Uniform Controlled Substances Law, which is punishable by more than one (1) year in prison; (13) forgery and counterfeiting; (14) an offense affecting the administration of justice; or (15) offenses relating to gambling and lotteries.

In this instruction, “unlawful debt” means money or something of value that is principal or interest of an illegal debt that is unenforceable because it was a result of illegal gambling, or because it came from lending money at an illegal rate, which is at least twice the legal lending rate.

In this instruction, “enterprise” means an individual, sole proprietorship, partnership, corporation, union, other organization, association, or group of individuals, who are associated with one another. Enterprise includes legal as well as illegal organizations.

In this instruction, “pattern of racketeering activity” means committing at least two (2) acts of racketeering conduct that have the same or similar characteristics or are related to one

another. The last racketeering activity must have occurred within five (5) years after a previous racketeering activity.

Sources

Miss. Code Ann. § 97-43-5(1).

4805 Interest in an Enterprise as a Result of Racketeering Activity or an Unlawful Debt

[Name of defendant] is charged in count ____ with racketeering.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully [acquired/got/maintained] an interest in, or control of, a enterprise through a pattern of racketeering activity;

OR

2B. [Name of defendant] unlawfully [acquired/got/maintained] an interest in, or control of, real property through a pattern of racketeering activity;

OR

2C. [Name of defendant] unlawfully [acquired/got/maintained] an interest in, or control of, an enterprise through the collection of an unlawful debt;

OR

2D. [Name of defendant] unlawfully [acquired/got/maintained] an interest in, or control of, real property through the collection of an unlawful debt; and

3. The pattern of racketeering activity included at least two (2) [incidents/acts] of racketeering conduct, occurring within five (5) years of each other,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “racketeering activity” means committing, attempting to commit, agreeing to commit or asking or intimidating another person to commit (1) fraud; (2) a violation of the Mississippi Securities Act; (3) unlawful possession, use, and transportation of explosives; (4) murder; (5) aggravated assault; (6) kidnapping; (7) robbery; (8) burglary; (9) arson; (10) prostitution; (11) exploitation of children; (12) a violation of the Uniform Controlled Substances Law, which is punishable by more than one (1) year in prison; (13) forgery and counterfeiting; (14) an offense affecting the administration of justice; or (15) offenses relating to gambling and lotteries.

In this instruction, “unlawful debt” means money or something of value that is principal or interest of an illegal debt that is unenforceable because it was a result of illegal gambling, or because it came from lending money at an illegal rate, which is at least twice the legal lending rate.

In this instruction, “enterprise” means an individual, sole proprietorship, partnership, corporation, union, other organization, association, or group of individuals, who are associated with one another. “Enterprise” includes legal as well as illegal organizations.

In this instruction, “pattern of racketeering activity” means committing at least two (2) acts of racketeering conduct that have the same or similar characteristics or are related to one another. The last racketeering activity must have occurred within five (5) years after a previous

racketeering activity.

Sources

Miss. Code Ann. § 97-43-5(2).

4806 Participating in an Enterprise as a Result of Racketeering Activity or Unlawful Debt

[Name of defendant] is charged in count ____ with racketeering.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] was employed by [name of enterprise];

OR

2B. [Name of defendant] was associated with [name of enterprise]; and

3A. [Name of defendant] unlawfully [conducted/participated] in [name of enterprise] through a pattern of racketeering activity;

OR

3B. [Name of defendant] unlawfully [conducted/participated] in [name of enterprise] through the collection of an unlawful debt; and

4. The pattern of racketeering activity included at least two (2) [incidents/acts] of racketeering conduct, occurring within five (5) years of each other,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “racketeering activity” means committing, attempting to commit, agreeing to commit or asking or intimidating another person to commit (1) fraud; (2) a violation of the Mississippi Securities Act; (3) unlawful possession, use, and transportation of explosives; (4) murder; (5) aggravated assault; (6) kidnapping; (7) robbery; (8) burglary; (9) arson; (10) prostitution; (11) exploitation of children; (12) a violation of the Uniform Controlled Substances Law, which is punishable by more than one (1) year in prison; (13) forgery and counterfeiting; (14) an offense affecting the administration of justice; or (15) offenses relating to gambling and lotteries.

In this instruction, “unlawful debt” means money or something of value, which is principal or interest of an illegal debt, which is unenforceable because it was a result of illegal gambling, or because it came from lending money at an illegal rate, which is at least twice the legal lending rate.

In this instruction, “enterprise” means an individual, sole proprietorship, partnership, corporation, union, other organization, association, or group of individuals, who are associated with one another. “Enterprise” includes legal as well as illegal organizations.

In this instruction, “pattern of racketeering activity” means committing at least two (2) acts of racketeering conduct that have the same or similar characteristics or are related to one another. The last racketeering activity must have occurred within five (5) years after a previous racketeering activity.

Sources

Miss. Code Ann. § 97-43-5(3).

4807 Conspiring or Agreeing to Commit an Unlawful Racketeering Activity

[Name of defendant] is charged in count ____ with racketeering.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [conspired/agreed] with [name(s) of co-conspirator(s)] to:
 - A. Receive [proceeds/money] from a pattern of racketeering activity to [use/invest] the [proceeds/money] to [acquire/get/purchase] real property or [a/an] [right/interest/equity] in real property, or in [establishing/operating] an enterprise; or
 - B. Receive [proceeds/money] through the collection of an unlawful debt to [use/invest] the [proceeds/money] to [acquire/get/purchase] real property or [a/an] [right/interest/equity] in real property, or in [establishing/operating] an enterprise; or
 - C. [Acquire/Get/Maintain] an interest in, or control of, an enterprise through a pattern of racketeering activity; or
 - D. [Acquire/Get/Maintain] an interest in, or control of, real property through a pattern of racketeering activity; or
 - E. [Acquire/Get/Maintain] an interest in, or control of, an enterprise through the collection of an unlawful debt; or
 - F. [Acquire/Get/Maintain] an interest in, or control of, real property through the collection of an unlawful debt; or
 - G. [Conduct/Participate] in [name of enterprise] through a pattern of racketeering activity; or
 - H. [Conduct/Participate] in [name of enterprise] through the collection of an unlawful debt; and

3. The pattern of racketeering activity included at least two (2) [incidents/acts] of racketeering conduct, occurring within five (5) years of each other, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “racketeering activity” means committing, attempting to commit, agreeing to commit or asking or intimidating another person to commit (1) fraud; (2) a violation of the Mississippi Securities Act; (3) unlawful possession, use, and transportation of explosives; (4) murder; (5) aggravated assault; (6) kidnapping; (7) robbery; (8) burglary; (9) arson; (10) prostitution; (11) exploitation of children; (12) a violation of the Uniform Controlled Substances Law, which is punishable by more than one (1) year in prison; (13) forgery and counterfeiting; (14) an offense affecting the administration of justice; or (15) offenses relating to gambling and lotteries.

In this instruction, “unlawful debt” means money or something of value, which is principal or interest of an illegal debt, which is unenforceable because it was a result of illegal gambling, or because it came from lending money at an illegal rate, which is at least twice the legal lending rate.

In this instruction, “enterprise” means an individual, sole proprietorship, partnership, corporation, union, other organization, association, or group of individuals, who are associated with one another. “Enterprise” includes legal as well as illegal organizations.

In this instruction, “pattern of racketeering activity” means committing at least two (2) acts of racketeering conduct that have the same or similar characteristics or are related to one another. The last racketeering activity must have occurred within five (5) years after a previous racketeering activity.

Sources

Miss. Code Ann. § 97-43-5(4).

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 49 Mississippi Streetgang Act

4900 Streetgang - Definition

Streetgang, gang, or criminal streetgang means a group of three (3) or more people, with an established order, who agree to and commit criminal activity.

Sources

Miss. Code Ann. § 97-44-3.

4901 Public Authority - Definition

Public authority means a state or political subdivision of the State of Mississippi.

Sources

Miss. Code Ann. § 97-44-3.

4902 Streetgang Member - Definition

Streetgang member or gang member means a person who is in fact a member of a streetgang and who intentionally participates in streetgang-related criminal activity.

Sources

Miss. Code Ann. § 97-44-3.

4903 Streetgang Related - Definition

Streetgang related activity or gang related activity means any criminal activity designed to (1) increase a streetgang's membership or control in a geographical area; (2) get revenge for the streetgang or for a streetgang member; (3) provide the streetgang with an advantage or control over a criminal market for controlled substances, the sale of stolen property or stolen credit cards, prostitution, arson, robbery, armed robbery, burglary, or larceny; (4) obstruct justice or intimidate

or kill a witness against a streetgang or streetgang member; or (5) cause a benefit, gain, or profit for the streetgang or its membership.

Sources

Miss. Code Ann. § 97-44-3.

4904 Participating in Streetgang Activity

[Name of defendant] is charged in count ____ with participating in streetgang activity.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2. [Name of defendant] intentionally and unlawfully

[directed/participated/conducted/furthered/assisted] in committing illegal streetgang activity by committing _____ [specify underlying offense]:

A. [Elements of crime];

B. [Elements of crime]; and

C. [Elements of crime],

intending to:

A. Increase the streetgang's size, membership, prestige, dominance, or control in a geographical area; or

B. [Exact/Get] revenge or retribution for the streetgang or a member of the streetgang; or

C. Provide the streetgang with an advantage in, control of, or dominance over a criminal market, including the unlawful manufacture, delivery, possession, or sale of controlled substances; arson; [sale/traffic] of stolen property or stolen credit cards; prostitution; obscenity; pornography; robbery; armed robbery; burglary; or larceny; or

D. Obstruct justice, or intimidate or [eliminate/kill] a witness against the streetgang or a member of the streetgang; or

E. Cause [a/an] [benefit/aggrandizement/gain/profit/advantage] to or for the streetgang, its reputation, influence, or membership,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “streetgang” means a group of three (3) or more people, with an established order, who agree to and commit criminal activity.

In this instruction, “streetgang related activity” or “gang related activity” means any criminal activity designed to (1) increase a streetgang's membership or control in a geographical area; (2) get revenge for the streetgang or for a streetgang member; (3) provide the streetgang with an advantage or control over a criminal market for controlled substances, the sale of stolen property or stolen credit cards, prostitution, arson, robbery, armed robbery, burglary, or larceny; (4) obstruct justice or intimidate or kill a witness against a streetgang or streetgang member; or (5) cause a benefit, gain, or profit for the streetgang or its membership.

Sources

Miss. Code Ann. § 97-44-19(1).

4905 Committing or Attempting to Commit a Felony to Benefit a Streetgang

[Name of defendant] is charged in count ____ with committing or attempting to commit a

felony to benefit a streetgang.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [committed/attempted to commit] _____ [specify felony]:
 - A. [Elements of felony];
 - B. [Elements of felony]; and
 - C. [Elements of felony],

which was committed for the benefit of, at the direction of, or in association with a criminal streetgang, intending to [promote/further/assist] in the [affairs/activities] of the criminal streetgang,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “streetgang” means a group of three (3) or more people, with an established order, who agree to and commit criminal activity.

In this instruction, “streetgang related activity” or “gang related activity” means any criminal activity designed to (1) increase a streetgang's membership or control in a geographical area; (2) get revenge for the streetgang or for a streetgang member; (3) provide the streetgang with an advantage or control over a criminal market for controlled substances, the sale of stolen property or stolen credit cards, prostitution, arson, robbery, armed robbery, burglary, or larceny;

- (4) obstruct justice or intimidate or kill a witness against a streetgang or streetgang member; or
- (5) cause a benefit, gain, or profit for the streetgang or its membership.

Sources

Miss. Code Ann. § 97-44-19(2).

4906 Buying or Selling Goods or Performing Services for a Streetgang

[Defendant] is charged in count ____ with [[buying/selling] goods/performing services] for a streetgang.

If you find beyond a reasonable doubt from the evidence in this case that:

- 1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully [sold/bought] goods for a criminal streetgang to further promote illegal activity, by committing _____ [specify underlying offense]:

- A. [Elements of crime];
- B. [Elements of crime]; and
- C. [Elements of crime],

intending to:

- A. Increase the streetgang's size, membership, prestige, dominance, or control in a geographical area; or
- B. [Exact/Get] revenge or retribution for the streetgang or a member of the streetgang; or
- C. Provide the streetgang with an advantage in, control of, or dominance over a criminal market, including the unlawful manufacture, delivery, possession, or sale of controlled substances; arson; [sale/traffic] of stolen property or stolen credit cards; prostitution;

obscenity; pornography; robbery; armed robbery; burglary; or larceny; or

D. Obstruct justice, or intimidate or [eliminate/kill] a witness against the streetgang or a member of the streetgang; or

E. Cause [a/an] [benefit/aggrandizement/gain/profit/advantage] to or for the streetgang, its reputation, influence, or membership;

OR

2B. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully performed services for a criminal streetgang to further promote illegal activity, by committing _____ [specify underlying offense]:

A. [Elements of crime];

B. [Elements of crime]; and

C. [Elements of crime],

intending to:

A. Increase the streetgang's size, membership, prestige, dominance or control in a geographical area; or

B. [Exact/Get] revenge or retribution for the streetgang or a member of the streetgang; or

C. Provide the streetgang with an advantage in, control of, or dominance over a criminal market, including the unlawful manufacture, delivery, possession, or sale of controlled substances; arson; [sale/traffic] of stolen property or stolen credit cards; prostitution; obscenity; pornography; robbery; armed robbery; burglary; or larceny; or

D. Obstruct justice, or intimidate or [eliminate/kill] a witness against the streetgang or a member of the streetgang; or

E. Cause [a/an] [benefit/aggrandizement/gain/profit/advantage] to or for the streetgang, its reputation, influence, or membership,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “streetgang” means a group of three (3) or more people, with an established order, who agree to and commit criminal activity.

In this instruction, “streetgang related activity” or “gang related activity” means any criminal activity designed to (1) increase a streetgang's membership or control in a geographical area; (2) get revenge for the streetgang or for a streetgang member; (3) provide the streetgang with an advantage or control over a criminal market for controlled substances, the sale of stolen property or stolen credit cards, prostitution, arson, robbery, armed robbery, burglary, or larceny; (4) obstruct justice or intimidate or kill a witness against a streetgang or streetgang member; or (5) cause a benefit, gain, or profit for the streetgang or its membership.

Sources

Miss. Code Ann. § 97-44-19(4).

Proposed Mississippi Plain Language Model Jury Instructions - Criminal

Chapter 50 Computer Crimes and Identity Theft

5000 Access - Definition

Access means to program, to execute programs on, to communicate with, or to retrieve or store data on a computer, computer system, or computer network. Access also means to use computer resources.

Sources

Miss. Code Ann. § 97-45-1.

5001 Computer - Definition

Computer means an electronic data processing device or system which performs data storage functions.

Sources

Miss. Code Ann. § 97-45-1.

5002 Computer Network - Definition

Computer network means a set of connected devices with at least one (1) computer capable of transmitting data through communication facilities.

Sources

Miss. Code Ann. § 97-45-1.

5003 Computer Program - Definition

Computer program means a set of data with coded instructions that when the computer performs the program, the computer processes data.

Sources

Miss. Code Ann. § 97-45-1.

5004 Computer Services - Definition

Computer services mean providing access to, service or data from, or data processing from a computer, computer system, or computer network.

Sources

Miss. Code Ann. § 97-45-1.

5005 Computer System - Definition

Computer system means a set of working-related computer equipment, devices, or computer software.

Sources

Miss. Code Ann. § 97-45-1.

5006 Damage or Loss - Definition

Damage or loss means the victim's reasonable costs as a result of the crime or the interruption of service. Damage or loss also includes the cost of responding to a crime; determining how much damage occurred; restoring the data, computer program, or computer system to its original condition; and any money lost as a result of the crime.

Sources

Miss. Code Ann. § 97-45-1.

5007 Device - Definition

Device means an electronic or other object that has input, output, or storage functions due to electronic, magnetic, or other [controls/manipulations].

Sources

Miss. Code Ann. § 97-45-1.

5008 Electronic Communication - Definition

Electronic communication means any data, images, signs, or writings transferred or transmitted in whole or in part by a computer, electronic, photo-optic, radio, or wire system.

Sources

Miss. Code Ann. § 97-45-1.

5009 Electronic Mail or Email - Definition

Electronic mail or email means a communication or information that is transmitted by the Internet, a computer, cellular telephone, fax machine, video recorder, or other electronic means and is sent to a person with a unique address or address number and received by that person.

Sources

Miss. Code Ann. § 97-45-1.

5010 Intellectual Property - Definition

Intellectual property means data, computer programs, computer software, copyrighted materials, trade secrets, and confidential or business-related information, which is stored in, produced by, or designed to store or be used on a computer, computer system, or computer network.

Sources

Miss. Code Ann. § 97-45-1.

5011 Internet - Definition

Internet means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

Sources

Miss. Code Ann. § 97-45-1.

47 U.S.C. § 230 (Definition of Internet).

5012 Medical Records - Definition

Medical records include medical and mental health histories, reports, summaries, diagnoses, treatment, medication information, notes, X-rays, and other imaging records.

Sources

Miss. Code Ann. § 97-45-1.

5013 Personal Identity Information - Definition

Personal identity information means a person's social security number; driver's license number; state identification card number; employment information; financial information; checking or savings account information; or stock certificate or account information.

Sources

Miss. Code Ann. § 97-45-1.

5014 Post a Message - Definition

Post a message means sending, publishing, communicating, or attempting to send, publish, or communicate truthful or untruthful information about a victim.

Sources

Miss. Code Ann. § 97-45-1.

5015 Property - Definition

Property means any personal or real property, specifically including financial instruments, electronic data, and computer programs.

Sources

Miss. Code Ann. § 97-45-1.

5016 Use - Definition

Use means to communicate with, store data in, or retrieve data from a computer or use a computer in another way.

Sources

Miss. Code Ann. § 97-45-1.

5017 Victim - Definition

Victim means the person who the defendant targeted with a posted message or a member of [his/her] family.

Sources

Miss. Code Ann. § 97-45-1.

5018 Interfering with an Identity Theft Investigation

[Name of defendant] is charged in count ____ with interfering with an identity theft investigation.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully [obstructed/impeded/hindered/interfered with] an identity theft investigation under _____ [specify (1) Section 97-9-79, which related to false information; (2) Section 97-19-83, which related to fraud by mail or other means of communication; (3) Section 97-19-85, which related to the fraudulent use of a social security number, credit card number,

debit card number, or other identifying information; or (4) Section 97-45-19, which related to obtaining personal identity information of another person without authorization] by [concealing/hiding/destroying] _____ [specify document(s), paper(s), or other tangible evidence], which related to the investigation, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-45-2(3)(b).

5019 Interfering with an Identity Theft Investigation by Bribery, Force, or Intimidation

[Name of defendant] is charged in count ____ with interfering with an identity theft investigation by bribery, force, or intimidation.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] [intentionally/knowingly/willfully] and unlawfully [endeavored/tried/worked] to [obstruct/delay/prevent] the communication of information which related to an identity theft investigation under _____ [specify (1) Section 97-9-79, which related to false information; (2) Section 97-19-83, which related to fraud by mail or other means of communication; (3) Section 97-19-85, which related to the fraudulent use of a social security number, credit card number, debit card number, or other identifying information; or (4) Section 97-45-19, which related to obtaining personal identity information of another person without authorization] to [name of person], an [agent/employee] of the Office of the Attorney

General, by using [bribery/force/intimidation];

OR

2B. [Name of defendant] unlawfully injured another person in order to prevent the communication of information which related to an identity theft investigation under _____ [specify (1) Section 97-9-79, which related to false information; (2) Section 97-19-83, which related to fraud by mail or other means of communication; (3) Section 97-19-85, which related to the fraudulent use of a social security number, credit card number, debit card number, or other identifying information; or (4) Section 97-45-19, which related to obtaining personal identity information of another person without authorization];

OR

2C. [Name of defendant] unlawfully injured [name of victim] because [name of victim] gave information which related to an identity theft investigation under _____ [specify (1) Section 97-9-79, which related to false information; (2) Section 97-19-83, which related to fraud by mail or other means of communication; (3) Section 97-19-85, which related to the fraudulent use of a social security number, credit card number, debit card number, or other identifying information; or (4) Section 97-45-19, which related to obtaining personal identity information of another person without authorization],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Sources

Miss. Code Ann. § 97-45-2(3)(c).

5020 Computer Fraud

[Name of defendant] is charged in count ____ with computer fraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [accessed/caused to be accessed] a _____ [specify computer, computer system, computer network], intending to:
 - A. Defraud; or
 - B. [Obtain/Get] [money/property/services] by use of [false/fraudulent] [conduct/practices/representations]; or
 - C. [Obtain/Get] [money/property/services] through a [false/fraudulent] [alteration/deletion/insertion] of programs or data; or
 - D. [Insert/Attach] a set of instructions or a computer program into a computer program, computer, computer system, or computer network, intending to [acquire/alter/damage/delete/disrupt/destroy] property; or
 - E. Knowingly create the opportunity for an unknowing and unwanted insertion or attachment of a set of instructions or a computer program into a computer program, computer, computer system, or computer network, intending to [acquire/alter/damage/delete/disrupt/destroy] property; or
 - F. Use the services of a computer program, computer, computer system, or computer network; and
3. The damage or loss caused to the _____ [specify computer, computer system, computer network, or computer program] was valued at \$500.00 or more,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “access” means to program, to execute programs on, to communicate with, or to retrieve or store data on a computer, computer system, or computer network. “Access” also means to use computer resources.

In this instruction, “computer” means an electronic data processing device or system which performs data storage functions.

In this instruction, “computer network” means a set of connected devices with at least one (1) computer capable of transmitting data through communication facilities.

In this instruction, “computer program” means a set of data with coded instructions that when the computer performs the program, the computer processes data.

In this instruction, “computer system” means a set of working-related computer equipment, devices, or computer software.

In this instruction, “damage” or “loss” means the victim's reasonable costs as a result of the crime or the interruption of service. “Damage” or “loss” also includes the cost of responding to a crime; determining how much damage occurred; restoring the data, computer program, or computer system to its original condition; and any money lost as a result of the crime.

Sources

Miss. Code Ann. § 97-45-3.

5021 Offenses Against Computer Users

[Name of defendant] is charged in count ____ with an offense against a computer user.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2A. [Name of defendant] intentionally and unlawfully denied an authorized user of the full and effective use of or access to a computer, computer system, computer network, or computer services, without [consent/permission];

OR

2B. [Name of defendant] intentionally and unlawfully used the numbers, codes, passwords, or another means to access a computer, computer system, computer network, or computer services, without [consent/permission];

OR

2C. [Name of defendant] intentionally and unlawfully disclosed to [name of person] the numbers, codes, passwords, or other means to access a computer, computer system, computer network, or computer services, without [consent/permission]; and

3. The damage or loss caused to the _____ [specify computer, computer system, computer network, or computer program] was valued at \$100.00 or more, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “access” means to program, to execute programs on, to communicate with, or to retrieve or store data on a computer, computer system, or computer network. “Access” also means to use computer resources.

In this instruction, “computer” means an electronic data processing device or system which performs data storage functions.

In this instruction, “computer network” means a set of connected devices with at least one (1) computer capable of transmitting data through communication facilities.

In this instruction, “computer program” means a set of data with coded instructions that when the computer performs the program, the computer processes data.

In this instruction, “computer services” mean providing access to, service, or data from, or data processing from a computer, computer system, or computer network.

In this instruction, “damage” or “loss” means the victim's reasonable costs as a result of the crime or the interruption of service. “Damage” or “loss” also includes the cost of responding to a crime; determining how much damage occurred; restoring the data, computer program, or computer system to its original condition; and any money lost as a result of the crime.

In this instruction, “use” means to communicate with, store data in, or retrieve data from a computer or use a computer in another way.

Sources

Miss. Code Ann. § 97-45-5.

5022 Offenses against Computer Equipment or Supplies

[Name of defendant] is charged in count ____ with an offense against computer equipment or supplies.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
 2. [Name of defendant] intentionally and unlawfully [modified/changed/destroyed] computer equipment or supplies used or intended to be used in a computer, computer system, or computer network, without [consent/permission]; and
 3. The damage or loss caused to the _____ [specify computer equipment or computer supplies] was valued at \$100.00 or more,
- then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “computer” means an electronic data processing device or system which performs data storage functions.

In this instruction, “computer network” means a set of connected devices with at least one (1) computer capable of transmitting data through communication facilities.

In this instruction, “computer system” means a set of working-related computer equipment, devices, or computer software.

In this instruction, “damage” or “loss” means the victim's reasonable costs as a result of the crime or the interruption of service. “Damage” or “loss” also includes the cost of responding to a crime; determining how much damage occurred; restoring the data, computer program, or computer system to its original condition; and any money lost as a result of the crime.

In this instruction, “use” means to communicate with, store data in, or retrieve data from a computer or use a computer in another way.

Sources

Miss. Code Ann. § 97-45-7.

5023 Offenses against Intellectual Property

[Name of defendant] is charged in count ____ with an offense against intellectual property.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
- 2A. [Name of defendant] intentionally and unlawfully [destroyed/inserted/modified/changed] intellectual property, without [consent/permission];

OR

- 2B. [Name of defendant] intentionally and unlawfully [disclosed/used/copied/took/accessed] intellectual property, without [consent/permission]; and
3. The damage or loss caused to the intellectual property was valued at \$100.00 or more, then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “intellectual property” means data, computer programs, computer software, copyrighted materials, trade secrets, and confidential or business-related information, which is stored in, produced by, or designed to be stored or used on a computer, computer

system, or computer network.

In this instruction, “damage” or “loss” means the victim's reasonable costs as a result of the crime or the interruption of service. “Damage” or “loss” also includes the cost of responding to a crime; determining how much damage occurred; restoring the data, computer program, or computer system to its original condition; and any money lost as a result of the crime.

Sources

Miss. Code Ann. § 97-45-9.

5024 Cyberstalking

[Name of defendant] is charged in count ____ with cyberstalking.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully used, in an electronic [mail/communication],

[words/language] threatening to _____ [specify (1) inflict bodily harm to [name of person]; (2) inflict bodily harm to [name of person]'s child, sibling, spouse, or dependent; or (3) inflict physical injury to [name of person]'s property];

OR

2B. [Name of defendant] unlawfully used, in an electronic [mail/communication],

[words/language] to [extort/demand] money or something of value from [name of person];

OR

2C. [Name of defendant] unlawfully electronically [mailed/communicated] to [name of person]

repeatedly in order to [threaten/terrify/harass] [name of person];

OR

2D. [Name of defendant] unlawfully electronically [mailed/communicated] to [name of person] and [intentionally/knowingly] made a false statement concerning the [death/injury/illness/disfigurement/indecent conduct/criminal conduct] of [name of person], or of a member of [name of person]'s family or household, intending to [threaten/terrify/harass];

OR

2E. [Name of defendant] [intentionally/knowingly] and unlawfully permitted an electronic communication device under [name of defendant]'s control to be used in order to:

A. Use, in an electronic [mail/communication], [words/language] threatening to _____ [specify (1) inflict bodily harm to [name of person]; (2) inflict bodily harm to [name of person]'s child, sibling, spouse, or dependent; or (3) inflict physical injury to [name of person]'s property]; or

B. Use, in an electronic [mail/communication], [words/language] to [extort/demand] money or something of value from [name of person]; or

C. Electronically [mail/communicate] [to/with] [name of person] repeatedly in order to [threaten/terrify/harass] [name of person]; or

D. Electronically [mail/communicate] [to/with] [name of person] and [intentionally/knowingly] make a false statement concerning the [death/injury/illness/disfigurement/indecent conduct/criminal conduct] of [name of person], or of a member of [name of person]'s family or household, intending to [threaten/terrify/harass],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt,

then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “electronic communication” means any data, images, signs, or writings transferred or transmitted by a computer, electronic, photo-optic, radio, or wire system.

In this instruction, “electronic mail” or “email” means a communication or information that is transmitted by the Internet, a computer, cellular telephone, fax machine, video recorder, or other electronic means and is sent to a person with a unique address or address number and received by that person.

Sources

Miss. Code Ann. § 97-45-15(1)(a).

5025 Posting a Message to Cause Injury

[Name of defendant] is charged in count ____ with posting a damaging message.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully posted a message to cause [injury/harm/damage] to [name of person], by using _____ [specify method of communication, including the Internet or a computer, computer program, computer system or computer network, or other electronic medium of communication], without [name of person]'s [consent/permission],

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “posted a message” means sending, publishing, communicating, or attempting to send, publish, or communicate truthful or untruthful information about a victim.

Sources

Miss. Code Ann. § 97-45-17.

5026 Identity Theft

[Name of defendant] is charged in count ____ with identity theft.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [obtained/got/attempted to obtain/attempted to get] personal identity information of [name of person], without [name of person]'s

[authorization/permission/consent], intending to unlawfully use that information to:

- A. [Obtain/Get] financial credit; or
- B. [Purchase/Buy/Obtain/Get/Lease] [real/personal] property; or
- C. [Obtain/Get] employment; or
- D. [Obtain/Get] access to medical records or information contained in medical records; or
- E. Commit an illegal act,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “access” means to program, to execute programs on, to communicate with, or to retrieve or store data on a computer, computer system, or computer network. “Access” also means to use computer resources.

In this instruction, “medical records” include medical and mental health histories, reports, summaries, diagnoses, treatment, medication information, notes, X-rays, and other imaging records.

In this instruction, “personal identity information” means a person's social security number; driver's license number; state identification card number; employment information; financial information; checking or savings account information; or stock certificate or account information.

Sources

Miss. Code Ann. § 97-45-19(1) and (2)(a).

5027 Identity Theft - Felony Amount

[Name of defendant] is charged in count ____ with identity theft.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;
2. [Name of defendant] unlawfully [obtained/got/attempted to obtain/attempted to get] personal identity information of [name of person], without [name of person]'s

[authorization/permission/consent], intending to unlawfully use that information to:

- A. [Obtain/Get] financial credit; or
- B. [Purchase/Buy/Obtain/Get/Lease] [real/personal] property; or
- C. [Obtain/Get] employment; or

D. [Obtain/Get] access to medical records or information contained in medical records; or

E. Commit an illegal act; and

3. The _____ [specify goods, property, services, or something of value] which [name of defendant] unlawfully [obtained/got/attempted to obtain/attempted to get] was valued at \$250.00 or more,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “access” means to program, to execute programs on, to communicate with, or to retrieve or store data on a computer, computer system, or computer network. Access also means to use computer resources.

In this instruction, “personal identity information” means a person's social security number; driver's license number; state identification card number; employment information; financial information; checking or savings account information; or stock certificate or account information.

Sources

Miss. Code Ann. § 97-45-19(1) and (2)(b)-(c).

5028 Unlawfully Using a Scanning Device or Re-encoder

[Name of defendant] is charged in count ____ with unlawfully using a [scanning device/re-encoder].

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about [date of alleged crime], in _____ County;

2A. [Name of defendant] unlawfully used a scanning device without the permission of the cardholder of the credit card from which the information was being scanned, intending to defraud the cardholder, the issuer, or a merchant;

OR

2B. [Name of defendant] unlawfully used a re-encoder without the permission of the cardholder of the credit card from which the information was being re-encoded, intending to defraud the cardholder, the issuer, or a merchant,

then you shall find [name of defendant] guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find [name of defendant] not guilty of count _____.

Definition(s) in this Instruction:

In this instruction, “scanning device” means a scanner, reader, or other device that accesses, reads, scans, gets, or stores information that is encoded on the magnetic strip of a credit card.

In this instruction, “re-encoder” means an electronic device that puts information that is encoded on one credit card's magnetic strip onto another credit card's magnetic strip.

In this instruction, “cardholder” means the person named on the credit card to whom the credit card was issued or the person who possessed the credit card with the cardholder's permission.

In this instruction, “credit card” means a device that a business or financial institution issues with or without a fee to a person to use in getting money, goods, services, or something of value.

In this instruction, “issuer” means a business or financial institution which issues a credit card.

In this instruction, “business” or “merchant” means a business or person who gives money, goods, services, or something of value when presented with a cardholder's credit card.

Sources

Miss. Code Ann. § 97-45-31(2)(a).

See Miss. Code Ann. § 95-45-31(1) (Definitions for this statute only).

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**APPENDIX
OF
SAMPLE INSTRUCTIONS**

1000 Possessing a Schedule I or II Controlled Substance

Bill Sims is charged in count 1 with possessing allylprodine. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about March 5, 2010, in Adams County;
2. Bill Sims intentionally and unlawfully possessed 1.2 grams of allylprodine, then you shall find Bill Sims guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Bill Sims not guilty of count 1.

1100 Bringing Contraband into Correctional Facilities

Sandy Wells is charged in count 1 with bringing contraband into a correctional facility or jail. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about June 6, 2011, in Jones County;
2. Sandy Wells unlawfully gave a cell phone to Mike Wells, an offender, while Mike Wells was confined in Jones County Correctional Facility, then you shall find Sandy Wells guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Sandy Wells not guilty of count 1.

Definition(s) in this Instruction:

In this instruction, “offender” means a person who has been convicted of a crime or offense under the laws and ordinances of the state and its political subdivisions.

1204 Driving under the Influence – Chemical Test Results Available – Defendant 21 Years Old or Older

Jason Reed is charged in count 1 with driving or operating a vehicle while under the influence of an intoxicating liquor, substance, drug, or controlled substance. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about April 15, 2012, in Rankin County;
2. Jason Reed was 21 years old or older; and
3. Jason Reed drove a 2010 Honda Accord; and
4. When Jason Reed drove the 2010 Honda Accord, Jason Reed’s blood alcohol level was unlawfully at 0.08 percent or more by weight, then you shall find Jason Reed guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Jason Reed not guilty of count 1.

Definition(s) in this Instruction -

In this instruction, “driving under the influence” means driving while in a state of intoxication where a person’s clarity and control are lessened.

2500 Conspiracy

Alex Smith is charged in count 1 with conspiracy to have Sandy Lee falsely arrested and indicted for possession of a controlled substance. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about January 1, 2011, in Lowndes County;
 2. Alex Smith and Mary Jones unlawfully agreed to have Sandy Lee falsely arrested and indicted for possession of a controlled substance,
- then you shall find Alex Smith guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Alex Smith not guilty of count 1.

2621 Aggravated Assault - Intentionally Causing Serious Injury to a Person

Sally Foster is charged in count 1 with aggravated assault. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about August 15, 2010, in Lafayette County;
 2. Sally Foster intentionally and unlawfully caused serious bodily injury to Mary Smith by hitting her with a baton,
- then you shall find Sally Foster guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Sally Foster not guilty of count 1.

2724 Manslaughter - Heat of Passion

Rob Jones is charged in count 1 with manslaughter. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about July 20, 2011, in Tallahatchie County;
 2. Rob Jones unlawfully and without deliberate design killed Bill Smith, a human being in the heat of passion by using a deadly weapon to shoot him while Bill Smith was in Rob Jones’s bedroom; and
 3. Rob Jones was not acting in self-defense,
- then you shall find Rob Jones guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Rob Jones not guilty of count 1.

Definition(s) in this Instruction:

In this instruction, “deliberate design” means a person decides to unlawfully kill another person, and there is no legally justifiable or excusable reason for doing so. The decision to kill a

person can be formed very quickly and may occur only moments before the actual act of killing. However, deliberate design cannot be formed at the exact moment of the act of killing.

In this instruction, “heat of passion” means a person acts in a state of violent and uncontrollable rage. The person must have been provoked into acting in such a manner by some act(s) or word(s) which would reasonably lead to an angry, hateful, resentful, or terrified emotional state of mind.

2811 Enticing a Child less than 18 Years Old to Meet in Order to Engage in Sexual Conduct

Brian Jones is charged in count 1 with enticing a child less than 18 years old to meet in order to engage in sexual conduct.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about May 1, 2010, in Hinds County;
 2. Brian Jones intentionally and unlawfully asked Julie Undercover, who Brian Jones thought was a child less than 18 years old, to meet Brian Jones in order to engage in sexual conduct, by talking in an Internet chat room and arranging to meet,
- then you shall find Brian Jones guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Brian Jones not guilty of count ____.

Definition(s) in this Instruction:

In this instruction, “sexual conduct” means real or pretend (1) sexual intercourse, including genital to genital, oral to genital, anal to genital, or oral to anal intercourse, between people of the same or opposite sex; (2) bestiality; (3) masturbation; (4) sadistic or masochistic abuse; (5) sexually showing the genitals or pubic area of any person; or (6) sexually touching the genitals, pubic area, buttocks, anus, or breast.

2902 Agreeing to Defraud the State of Mississippi - Obtaining Public Funds

Joe Jackson is charged in count 1 with agreeing to defraud the State of Mississippi by obtaining public funds.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about March 1, 2010, in Attala County;
 2. Joe Jackson unlawfully agreed to defraud the State of Mississippi by obtaining a payment from public funds for a false or fraudulent claim,
- then you shall find Joe Jackson guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Joe Jackson not guilty in count 1.

3012 Attempted Escape - From Custody or Jail

Dean Martin is charged in count 1 with attempted to escape. If you find beyond a

reasonable doubt from the evidence in this case that:

1. On or about May 2, 2012, in Jackson County;
2. Dean Martin unlawfully attempted to escape by using force from the Jackson County Jail in which Dean Martin was confined for a felony charge, then you shall find Dean Martin guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Dean Martin not guilty of count 1.

3102 Bribery - Receiving a Bribe

Judy James is charged in count 1 with receiving a bribe. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about June 3, 2011, in Webster County;
2. Judy James was a county officer; and
3. Judy James unlawfully accepted money from William Jones, who intended to influence Judy James's decision on a matter, which was pending, then you shall find Judy James guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Judy James not guilty of count 1.

3205 Failing to Return Votes

Virginia Smith is charged in count 1 with failing to return votes cast. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about November 4, 2010, in Lowndes County;
2. Virginia Smith was a manager or returning officer, who was required by law to return the votes cast in an election; and
3. Virginia Smith unlawfully failed to return the votes cast in the election, then you shall find Virginia Smith guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Virginia Smith not guilty in count 1.

3305 Damaging or Destroying a Levee

Tom Lee is charged in count 1 with damaging a levee. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about November 24, 2010, in Yalobusha County;
2. Tom Lee maliciously and unlawfully damaged a levee, which was constructed by law, then you shall find Tom Lee guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Tom Lee not guilty in count 1.

3418 Possessing Burglary Tools

Kim Jones is charged in count 1 with possessing burglary tools. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about June 22, 2011, in Smith County;
 2. Kim Jones unlawfully possessed tools, instruments, or implements designed to help commit burglary, larceny, or robbery,
- then you shall find Kim Jones guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Kim Jones not guilty of count 1.

3509 Obtaining Money or Property with the Intent to Defraud

Betty Gray is charged in count 1 with obtaining money or valuable property with the intent to defraud. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about February 14, 2011, in Madison County;
 2. Betty Gray intentionally and unlawfully got money by using a false writing, intending to cheat or defraud John James; and
 3. The money was valued at \$500.00 or more,
- then you shall find Betty Gray guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Betty Gray not guilty of count 1.

3612 Forgery - Court Records

Mary Ott is charged in count 1 with forgery. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about May 2, 2010, in Hinds County;
 2. Intending to defraud, Mary Ott unlawfully altered a complaint, which was a pleading or proceeding filed in Hinds County Circuit Court, by which the altering affected Jane Collins's property,
- then you shall find Mary Ott guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Mary Ott not guilty of count 1.

3711 Practicing a Profession without a License - Second or Subsequent Offense

Mike Allen is charged in count 1 with practicing law without a license. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about August 20, 2011, in Harrison County;
 2. Mike Allen unlawfully practiced law by representing clients in court; and
 3. Mike Allen had not been examined and had not received a lawful license to practice law; and
 4. Mike Allen was previously convicted of practicing law without a license in Harrison County Court on December 15, 2010,
- then you shall find Mike Allen guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Mike Allen not guilty in count 1.

3823 Assault with Intent to Commit Airplane Piracy - By Use of a Deadly Weapon

Larry Fox is charged in count 1 with assault with intent to commit airplane piracy by use of a deadly weapon. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about April 3, 2011, in Hinds County;
 2. Intending to seize or exercise control of an airplane within the State of Mississippi's airspace, Larry Fox unlawfully used a dangerous or deadly weapon to threaten Mark Little, who was a member of the flight crew, and interfered with Mark Little performing his duties,
- then you shall find Larry Fox guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Larry Fox not guilty of count 1.

Definition(s) in this Instruction:

In this instruction, “deadly weapon” means an object, article, or means which, when used as a weapon under the existing circumstances, is reasonably capable or likely to produce death or serious bodily harm to another person.

3900 Importing a Harmful Biological Substance

John Smith is charged in count 1 with importing a harmful biological substance. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about July 2, 2012, in Rankin County;
 2. John Smith intentionally and unlawfully brought anthrax into Mississippi, intending to unlawfully spread the anthrax in order to harm humans,
- then you shall find John Smith guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find John Smith not guilty of count 1.

Definition(s) in this Instruction:

In this instruction, “harmful biological substance” means a bacteria, virus, or other micro-organism, or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.

4000 Adultery and Fornication - Between People not Allowed to Marry

James Little is charged in count 1 with fornication. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about September 25, 2011, in Clay County;
2. James Little and Mary Little were not allowed to marry because they were related by blood by

the second degree; and

3. James Little unlawfully fornicated with Mary Little, then you shall find James Little guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find James Little not guilty in count 1.

4100 Unlawfully Manufacturing Intoxicating Beverages

Billy Bob Jones is charged in count 1 with unlawfully manufacturing intoxicating beverages. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about October 3, 2012, in Marshall County;
2. Billy Bob Jones unlawfully distilled pure grain alcohol, which when drunk to excess produces intoxication,

then you shall find Billy Bob Jones guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Billy Bob Jones not guilty of count 1.

4305 Gambling with a Minor

Susan Webb is charged in count 1 with gambling with a minor. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about September 16, 2011, in Tunica County;
 2. Susan Webb was 21 years old or older; and
 3. Susan Webb unlawfully gambled money with Mary Seale, who was less than 21 years old, knowing that Mary Seale was less than 21 years old,
- then you shall find Susan Webb guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Susan Webb not guilty in count 1.

4400 Disorderly Conduct Causing Injury or Death

Fred Jones is charged in count 1 with disorderly conduct causing injury. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about May 1, 2011, in Panola County;
 2. Officer Steve Smith, who was a law enforcement officer, asked Fred Jones to remove himself from the area or place where the request was made; and
 3. Intending to cause a breach of the peace or under circumstances which may lead to a breach of the peace or cause a breach of the peace, Fred Jones unlawfully refused to promptly comply with or obey Officer Steve Smith's request in such a way that indicated Fred Jones's intentional and wanton disregard for the safety or life of others; and
 4. Jack Lane was injured as a result of Fred Jones's intentional and unlawful refusal to comply with or obey Officer Steve Smith's request,
- then you shall find Fred Jones guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Fred Jones not guilty of count 1.

4505 Possessing a Weapon on Educational Property

Sarah Conner is charged in count 1 with possessing a weapon on educational property. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about March 15, 2012, in Lee County;
2. Sarah Conner unlawfully possessed a gun on Elm Street School grounds, which is educational property,

then you shall find Sarah Conner guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Sarah Conner not guilty of count 1.

Definition(s) in this Instruction:

In this instruction, “educational property” means any public or private school building, bus, campus, grounds, recreational area, athletic field, or other property owned by a local school board, school, college, or university.

4700 Injuring or Killing Livestock

Lee Roy is charged in count 1 with injuring livestock. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about April 1, 2011, in Neshoba County;
2. Lee Roy maliciously and unlawfully injured livestock to be cruel by shooting buck shot at cattle,

then you shall find Lee Roy guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Lee Roy not guilty of count 1.

Definition(s) in this Instruction:

In this instruction, “livestock” means horses, cattle, swine, sheep and other domestic animals produced for profit.

4804 Proceeds from Racketeering Activity or an Unlawful Debt

Al Capone is charged in count 1 with racketeering.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about July 3, 2011, in Hinds County;
 2. Al Capone unlawfully received money from a pattern of racketeering activity to use the money to purchase real property; and
 3. The pattern of racketeering activity included at least two (2) acts of racketeering conduct, occurring within five (5) years of each other,
- then you shall find Al Capone guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Al Capone not guilty of count 1.

Definition(s) in this Instruction:

In this instruction, “racketeering activity” means committing, attempting to commit, agreeing to commit or asking or intimidating another person to commit (1) fraud; (2) a violation of the Mississippi Securities Act; (3) unlawful possession, use, and transportation of explosives; (4) murder; (5) aggravated assault; (6) kidnapping; (7) robbery; (8) burglary; (9) arson; (10) prostitution; (11) exploitation of children; (12) a violation of the Uniform Controlled Substances Law, which is punishable by more than one (1) year in prison; (13) forgery and counterfeiting; (14) an offense affecting the administration of justice; or (15) offenses relating to gambling and lotteries.

In this instruction, “pattern of racketeering activity” means committing at least two (2) acts of racketeering conduct that have the same or similar characteristics or are related to one another. The last racketeering activity must have occurred within five (5) years after a previous racketeering activity.

4905 Committing or Attempting to Commit a Felony to Benefit a Streetgang

John Smith is charged in count 1 with committing a felony to benefit a streetgang. If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about May 10, 2012, in Jackson County;
2. John Smith committed aggravated assault:

On or about May 10, 2012, in Jackson County; John Smith intentionally and unlawfully caused serious bodily injury to Peter Jones by hitting him with a baseball bat; which was committed in association with a criminal streetgang, intending to promote the activities of the criminal streetgang, then you shall find John Smith guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find John Smith not guilty of count 1.

Definition(s) in this Instruction:

In this instruction, “streetgang” means a group of three (3) or more people, with an established order, who agree to and commit criminal activity.

In this instruction, “streetgang related activity” means any criminal activity designed to (1) increase a streetgang's membership or control in a geographical area; (2) get revenge for the streetgang or for a streetgang member; (3) provide the streetgang with an advantage or control over a criminal market for controlled substances, the sale of stolen property or stolen credit cards, prostitution, arson, robbery, armed robbery, burglary, or larceny; (4) obstruct justice or intimidate or kill a witness against a streetgang or streetgang member; or (5) cause a benefit, gain, or profit for the streetgang or its membership.

5020 Computer Fraud

Mary Smith is charged in count 1 with computer fraud.

If you find beyond a reasonable doubt from the evidence in this case that:

1. On or about March 10, 2012, in Tate County;
 2. Mary Smith unlawfully accessed a computer, intending to defraud; and
 3. The damage or loss caused to the computer was valued at \$500.00 or more,
- then you shall find Mary Smith guilty as charged.

If the State did not prove any one of the above listed elements beyond a reasonable doubt, then you shall find Mary Smith not guilty of count 1

Definition(s) in this Instruction:

In this instruction, “access” means to program, to execute programs on, to communicate with, or to retrieve or store data on a computer, computer system, or computer network. “Access” also means to use computer resources.

In this instruction, “computer” means an electronic data processing device or system which performs data storage functions.

In this instruction, “damage” or “loss” means the victim's reasonable costs as a result of the crime or the interruption of service. “Damage” or “loss” also includes the cost of responding to a crime; determining how much damage occurred; restoring the data, computer program, or computer system to its original condition; and any money lost as a result of the crime.