

CR1306 Assault by Prisoner.

(DEFENDANT'S NAME) is charged [in Count _____] with committing Assault by Prisoner [on or about (DATE)]. You cannot convict [him] [her] of this offense unless, based on the evidence, you find beyond a reasonable doubt each of the following elements:

1. (DEFENDANT'S NAME);
2. Intending to cause bodily injury;
3. Intentionally, knowingly, or recklessly
 - a. attempted, with unlawful force or violence, to do bodily injury to (VICTIM'S NAME); or
 - b. committed an act with unlawful force or violence that
 - i. caused bodily injury to (VICTIM'S NAME); or
 - ii. created a substantial risk of bodily injury to (VICTIM'S NAME); and
4. At the time of the act (DEFENDANT'S NAME) was
 - a. in the custody of a peace officer pursuant to a lawful arrest; or
 - b. was confined in a [jail or other penal institution][a facility used for confinement of delinquent juveniles] regardless of whether the confinement is legal; and
5. [The defense of _____ does not apply.]

After you carefully consider all the evidence in this case, if you are convinced that each and every element has been proven beyond a reasonable doubt, then you must find the defendant GUILTY. On the other hand, if you are not convinced that each and every element has been proven beyond a reasonable doubt, then you must find the defendant NOT GUILTY.

References

Utah Code § 76-5-102.5