

CR1331 Domestic Violence – Special Verdict Instructions.

If you find (DEFENDANT'S NAME) guilty of [CRIME], you must determine whether (DEFENDANT'S NAME) and (VICTIM'S NAME) were cohabitants at the time of this offense. To find (DEFENDANT'S NAME) was a cohabitant with (VICTIM'S NAME), you must find beyond a reasonable doubt, that (DEFENDANT'S NAME) and (VICTIM'S NAME) were 16 years of age or older, and at the time of the offense, (DEFENDANT'S NAME):

- [Is or was a spouse of (VICTIM'S NAME);]
- [Is or was living as if a spouse of (VICTIM'S NAME);]
- [Is related by blood or marriage to (VICTIM'S NAME) as (VICTIM'S NAME)'s parent, grandparent, sibling, or any other person related to (VICTIM'S NAME) by consanguinity or affinity to the second degree;]
- [Has or had one or more children in common with (VICTIM'S NAME);]
- [Is the biological parent of (VICTIM'S NAME)'s unborn child;]
- [Resides or has resided in the same residence as (VICTIM'S NAME);] or
- [Is or was in a consensual sexual relationship with (VICTIM'S NAME)].

The State must prove beyond a reasonable doubt that (DEFENDANT'S NAME) and (VICTIM'S NAME) were cohabitants at the time of this offense. Your decision must be unanimous and should be reflected on the special verdict form.

References

Utah Code § 77-36-1

Utah Code § 78B-7-102

Last Revised – 10/03/2018