

## **CR1006: Automobile Homicide**

(DEFENDANT'S NAME) is charged [in Count \_\_\_\_] with committing Automobile Homicide [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);

- a. Operated a vehicle in a negligent or criminally negligent manner; and
- b. Caused the death of another; and
- c. (DEFENDANT'S NAME):
  - i. [Had sufficient alcohol in [his] [her] body that a subsequent chemical test showed that [he] [she] had a blood or breath alcohol concentration of .05 grams or greater at the time of the test;]
  - ii. [Was under the influence of [alcohol] [a drug] [the combined influence of alcohol and a drug] to a degree that rendered [him] [her] incapable of safely operating a vehicle;] or
  - iii. [Had a blood or breath alcohol concentration of .05 grams or greater at the time of operation;]

OR

[2. (DEFENDANT'S NAME);

- a. Operated a vehicle in a criminally negligent manner; and
- b. Caused the death of another; and
- c. Had in [his] [her] body any measurable amount of a controlled substance.]

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 Ann. § 76-5-207(2)

### **Committee Notes:**

This instruction is intended to be used in prosecuting the crime of Automobile Homicide. For the definition of "negligent," see CR305. For the definition of "criminally negligent," see CR306A, CR306B, and CR307.