

## **CR1009: Negligently Operating a Vehicle Resulting in Injury**

(DEFENDANT'S NAME) is charged [in Count \_\_\_\_] with committing Negligently Operating a Vehicle Resulting in Injury [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 manner; and
- b. ~~This negligence~~ caused [serious] bodily injury to 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. ~~This negligence~~ caused [serious] bodily injury to 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. § 76-5-102.1(2)

## **Committee Notes:**

This instruction is intended to be used in prosecuting the crime of Negligently Operating a Vehicle Resulting in Injury. Whether that offense constitutes a Class A Misdemeanor or a Third-Degree Felony depends on whether the Defendant caused bodily injury or serious bodily injury to another. See Utah Code Ann. § 76-5-102.1(3)(a)(iv). Practitioners should use the bracketed “[serious]” language accordingly. The offense can also be a Third-Degree Felony based on prior convictions. See Utah Code Ann. § 76-5-102.1(3)(a)(ii)–(iii). If the prosecution charges the defendant with causing serious bodily injury, and the defendant requests a lesser-included instruction on bodily injury, the Committee recommends referring to CR505 on lesser-included offenses and using a special verdict form.

For the definition of “negligent,” see CR305. For the definition of “criminally negligent,” see CR306A, CR306B, and CR307.