CR1403 Aggravated Murder Elements - Utah Code sect. 76-5-202(2).

The defendant, (DEFENDANT'S NAME), is charged with Aggravated Murder. You cannot convict (him)(her) of this offense unless you find beyond a reasonable doubt, based on the evidence, each of the following elements:

1. That the defendant, (DEFENDANT'S NAME);

2. With reckless indifference to human life;

3. Caused the death of (VICTIM'S NAME); and

4. That the defendant did so incident to an act, scheme, course of conduct, or criminal episode during which (he)(she) was a major participant in the commission or attempted commission of: [Insert All Applicable Predicate Felonies][;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 of Aggravated Murder. On the other hand, if you are not convinced that all of these elements have been proven beyond a reasonable doubt, then you must find the defendant NOT GUILTY of Aggravated Murder.

Committee Notes

If the date and/or location of a crime is an element of the offense, those can be included within the list of elements. In some circumstances, identifying the specific counts might assist the jury in sorting through offenses with overlapping elements. In those circumstances, the specific count to which the instruction applies should be identified in the first paragraph.

*See explanatory note at the beginning of the homicide section. The committee recommends that practitioners consider replacing this phrase with more specific language relating to the legal justification or excuse at issue in the case. For example, if the issue is self-defense, this element could be tailored to: "That the defendant did not act in self-defense."

Whenever imperfect self-defense is submitted to the jury:

- In addition to other applicable ~~imperfect~~ self-defense instructions (see CR510 through CR543), use CR1451, 1452, and 1453 ~~(amended as appropriate)~~;
- Always distinguish between perfect and imperfect self-defense throughout the instructions;

- Use the "Special Verdict Imperfect Self-Defense" special verdict form (SVF 1450);
- Imperfect self-defense is a defense to only four crimes: aggravated murder, attempted aggravated murder, murder, and attempted murder. It is not a defense to manslaughter or attempted manslaughter;
- Do not include as an element for aggravated murder, attempted aggravated murder, murder, or attempted murder: "The defense of "imperfect self-defense" does not apply;" as a defense in element #3 above;
- Do not use an "imperfect self-defense manslaughter" elements instruction;
- Always distinguish between "perfect self-defense" and "imperfect self-defense" throughout the instructions; and
- Instead, aAdd the following paragraph at the bottom of the aggravated murder, attempted aggravated murder, murder, or attempted murder this elements instruction:

"If you find Defendant GUILTY beyond a reasonable doubt of [Aggravated Murder] [Attempted Aggravated Murder] [mMurder] [Attempted Murder], you must decide whether the State has proven beyond a reasonable doubt that the defense of imperfect self-defense does not applyies and complete the special verdict form concerning that defense. Imperfect self-defense is addressed in Instructions _____."

Last amended – 01/07/2026