

CR1411 Murder

(DEFENDANT'S NAME) is charged [in Count ___] with committing Murder [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.
 - a. [intentionally or knowingly caused the death of (VICTIM'S NAME); or]
 - b. [intending to cause serious bodily injury to another, (DEFENDANT'S NAME) committed an act clearly dangerous to human life that caused the death of (VICTIM'S NAME); or]
 - c. [acting under circumstances evidencing a depraved indifference to human life, (DEFENDANT'S NAME) knowingly engaged in conduct which created a grave risk of death to another and thereby caused the death of (VICTIM'S NAME); or]
 - d. [while engaging in the commission, attempted commission, or immediate flight from the commission or attempted commission of [the predicate offense(s)], or as a party to [the predicate offense(s)],
 - i. (VICTIM'S NAME) was killed;
 - ii. (VICTIM'S NAME) was not a party to [the predicate offense(s)]; and
 - iii. (DEFENDANT'S NAME) acted with the intent required as an element of [the predicate offense(s)]; or]
 - e. [recklessly caused the death of (VICTIM'S NAME), a peace officer or military service member in uniform while in the commission of
 - i. an assault against a peace officer;
 - ii. interference with a peace officer making a lawful arrest, if (DEFENDANT'S NAME) used force against a peace officer; or
 - iii. an assault against a military service member in uniform.]
3. [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 sect. 76-5-203

Committee Notes

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, a Add 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] [~~m~~Murder] [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 Revised - 01/07/2026 ~~04/03/2019~~

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