

CR541 Ignorance or Mistake of Fact

It is a defense to the charge of [list offense(s)] if the Defendant is mistaken or ignorant about a fact that disproves the mental state required for [list offense(s)].

If you have reasonable doubt about whether [Defendant] had the mental state required for [offenses] due to [his/her] ignorance or mistake of fact, you must find [him/her] not guilty of [offenses].

[The defendant may be convicted of [lesser included offense] if [he/she] would be guilty of [lesser included offense] if the facts were as [he/she] believed them to be.]

References:

Utah Code section 76-2-304(1)

Committee Notes:

Ignorance or mistake of fact is an affirmative defense. Utah Code section 76-2-304(1).

If the evidence supports giving this instruction, the trial court must modify the elements instruction to include disproving this defense as an additional element. *See State v. Low*, 2008 UT 58; 192 P.3d 867. [See Note to CR502]