

14-7026. Life imprisonment without possibility of release or parole proceeding; reasonable doubt; burden of proof.¹

The burden is always on the state to prove beyond a reasonable doubt that [the aggravating circumstance was present] [one or more of the aggravating circumstances were present].²

It is not required that the state prove the existence of an aggravating circumstance beyond all possible doubt. The test is one of reasonable doubt. A reasonable doubt is a doubt based upon reason and common sense - the kind of doubt that would make a reasonable person hesitate to act in the graver and more important affairs of life.

USE NOTES

1. This instruction must be given in all life imprisonment without possibility of release or parole proceedings.
2. Use applicable alternative.

[As amended, effective August 1, 2001; as amended by Supreme Court Order No. 21-8300-008, effective for all cases filed or pending on or after December 31, 2021.]