

14-6016. Verdicts; single or multiple defendants; burglary and receiving by acquiring; insanity.¹

In this case [in connection with the charges of burglary and receiving (by acquiring)² stolen goods]³, there are [three]⁴ [four] possible verdicts:

- (1) guilty of burglary and not guilty of receiving (by acquiring)²;
- (2) guilty of receiving (by acquiring)² and not guilty of burglary;
- (3) not guilty of burglary and not guilty of receiving (by acquiring)²;

[and]

[(4) not guilty by reason of insanity].⁵

Only one of the possible verdicts may be signed by you as to these charges [as to each defendant]. If you have agreed upon one verdict as to these charges [as to a defendant], that form of verdict is the only form to be signed as to these charges [as to that defendant]. The other forms as to these charges are to be left unsigned.

[Even if you determine from all the evidence that a defendant committed an offense, if you are not satisfied beyond a reasonable doubt that he was sane at the time, you must find him not guilty by reason of insanity and sign only the not guilty by reason of insanity form.]⁵

USE NOTES

1. This instruction should be given if charges of burglary and charges of receiving (by acquiring) stolen property, relate to the same property. This instruction supplants UJI 14-6011; but UJI 14-6011 may be used with this instruction if counts are submitted other than burglary and receiving by acquiring. UJI 14-6004 should not be used with this instruction because the two are in contradiction. If there are other charges, to which this instruction is not applicable, UJI 14-6004 may be tailored to refer solely to those counts and may be given with this instruction.

2. Use the parenthetical phrase if the charge of receiving by keeping or receiving by disposing is also submitted. If no charge of receiving by keeping or disposing is submitted, the parenthetical phrase should be omitted.

3. Use this bracketed phrase if charges other than burglary and receiving are submitted. In some cases it also may be necessary to identify the counts, such as cases in which there are other charges of burglary or receiving to which this instruction is not applicable. If the only charges that are submitted are burglary and receiving by acquiring, then this bracketed phrase should be omitted.

4. Use appropriate bracketed alternative.

5. Use these bracketed provisions if the issue of not guilty by reason of insanity is submitted to the jury.