

**14-5061. Presumptions or inferences.<sup>1</sup>**

Proof of \_\_\_\_\_ (*set forth presumed fact*) is an essential element of \_\_\_\_\_ (*set forth crime*) as defined elsewhere in these instructions. The burden is on the state to prove \_\_\_\_\_ (*set forth presumed fact*) beyond a reasonable doubt.

In this case if you find that \_\_\_\_\_ (*here state basic fact or facts on which presumption rests*) [has] [have] been proved, you may but are not required to find that \_\_\_\_\_ (*presumed fact*) has been proved. You must consider all of the evidence in making your determination. In order to find the defendant guilty of \_\_\_\_\_ (*set forth offense charged*), [as charged in Count \_\_\_\_\_]<sup>2</sup>, you must be convinced beyond a reasonable doubt that the defendant \_\_\_\_\_ (*set forth presumed fact*).

**USE NOTES**

1. This instruction shall be given when the state relies upon a statutory "presumption" to prove an element of the crime or when an element is inferred ("implied") from certain facts. It may not be used if there is a specific UJI Criminal presumption instruction provided for the crime. See for example UJI 14-242, 14-1651, 14-1671 and 14-1672.

2. Insert the count number if more than one count is charged.  
[As amended, effective September 1, 1988.]