

14-5120. Ignorance or mistake of fact.¹

An issue in this case is whether the defendant believed that _____².
The burden is on the state to prove beyond a reasonable doubt that the defendant did not have an honest and reasonable belief in the existence of those facts at the time of the alleged conduct. If you have a reasonable doubt as to whether the defendant's alleged conduct resulted from a reasonable belief in those facts, you must find the defendant not guilty.

USE NOTES

1. If this instruction is given, add to the essential elements instruction for the offense charged, "The defendant did not [act] [fail to act] under a mistake of fact."

2. Describe what the defendant claims he or she believed.

[As amended, effective January 1, 1997; as amended by Supreme Court Order No. 16-8300-008, effective for all cases pending or filed on or after December 31, 2016.]