

110 ONE DEFENDANT: SINGLE COUNT: NO INCLUDED OFFENSE

The (information) (complaint) in this case charges that:

[READ THE CHARGE IN THE INFORMATION OR COMPLAINT.]

To this charge, the defendant has entered a plea of not guilty which means the State must prove every element of the offense charged beyond a reasonable doubt.

COMMENT

Wis JI-Criminal 110 was originally published in 1962 and revised in 1979 and 1990. It was republished without substantive change in 2000.

The 1990 change substituted "which means the state must prove every element of the offense charged beyond a reasonable doubt" for "which means a denial of every material allegation in the (information) (complaint)." No change in substance is intended. The Committee concluded that the previous version could be misleading in cases where the defense is directed at a specific element rather than being a general denial of every material allegation.

Where the defendant has entered a special plea of not guilty by reason of mental disease or defect, the court should so instruct by using the appropriate instructions from the series beginning at Wis JI-Criminal 600.

See Wis JI-Criminal 480 for a corresponding instruction on verdicts submitted.