

**120 TWO DEFENDANTS: SINGLE COUNT: NO INCLUDED OFFENSE**

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

[READ THE CHARGE IN THE INFORMATION OR COMPLAINT.]

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

It is for you to determine, as to each defendant, whether that defendant is guilty or not guilty of the offense charged. You must make a finding as to each defendant separately, and, at the close of these instructions, the court will submit to you separate verdicts regarding each defendant.

[READ INSTRUCTION ON THE OFFENSE CHARGED.]

**COMMENT**

Wis JI-Criminal 120 was originally published in 1966 and revised in 1979 and 1990. This revision was approved by the Committee in January 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 490 for corresponding instruction on verdicts submitted.