

**247 VERDICT AS TO DEFENDANT ONLY**

There is evidence in the case which, if believed, indicates that more than one person was involved in the commission of the offense. The fact that the other person(s) is (are) not on trial is not material. You are to determine only whether the defendant, \_\_\_\_\_, is guilty or not guilty.

**COMMENT**

Wis JI-Criminal 247 and comment were originally published in September 1980, revised in 1983, and was republished without change in 1992 and 2000.

This instruction was prepared for use in cases where the testimony clearly indicates that more than one person was involved in the crime. The jury may speculate as to why only the defendant is on trial. This instruction advises the jury not to allow such speculation to affect its verdict.