

313 EVIDENCE THAT THE DEFENDANT WORE A GPS OR OTHER MONITORING DEVICE

Evidence has been presented regarding the fact that the defendant was wearing a (identify the monitoring device). Do not consider this evidence to conclude that the defendant has a certain character or a certain character trait and that the defendant acted in conformity with that trait or character with respect to the offense charged in this case. Do not speculate on the reasons for which the defendant was required to wear a (identify the monitoring device).

COMMENT

Wis JI-Criminal 313 was approved by the Committee in December 2016.

This instruction is intended for use when the evidence has shown that the defendant was wearing a monitoring device at the time of the offense. This may arise due to the nature of the crime – for example, tampering with a GPS tracking device in violation of § 946.465. Or, reference to a device may have been made in a description of the arrest or interrogation of a suspect. For an example of a case where this was an issue, see State v. Romanelli, an unpublished decision of the Wisconsin Court of Appeals, decided December 17, 2015 [Appeal No. 2014AP874].