

480 VERDICTS SUBMITTED FOR ONE DEFENDANT: SINGLE COUNT

The following two¹ forms of verdict will be submitted to you for your consideration concerning the charges against the defendant, (name of defendant).

One reading: "We, the jury, find the defendant, (name of defendant), guilty of (offense charged),² as charged in the (information) (complaint)."³

And the other reading: "We, the jury, find the defendant, (name of defendant), not guilty."

It is for you to determine which one of the forms of verdict submitted you will bring in as your verdict.

COMMENT

Wis JI-Criminal 480 was originally published in 1962 and revised in 1979 and 1990. It was republished without change in 2000.

1. Additions to the verdict are required in several situations. In theft, criminal damage to property, and receiving stolen property cases, findings are required for the value of the property involved. Wis JI-Criminal 1441A provides a recommended instruction for these findings. There are also several so-called "penalty enhancers" that provide for an increased penalty if specified facts are found. See, for example, Wis JI-Criminal 990, **USING A DANGEROUS WEAPON**; Wis JI-Criminal 994, **CONCEALING IDENTITY**; and Wis JI-Criminal 996 and 996.1, **SELECTING THE PERSON AGAINST WHOM A CRIME IS COMMITTED** (or, **THE PROPERTY DAMAGED**) **BECAUSE OF RACE, RELIGION, ETC.** See the cited instructions for suggested additions to the verdict.

2. Here should be inserted the short title of the offense charged. Refer to the Criminal Code titles, but in some instances these will not be appropriate, and it will be necessary to formulate a short title by synopsis.

3. It is important that the reference, "as charged in the (information) (complaint)," appear in the verdict. The Committee feels that this reference is sufficient to take care of the venue issue in cases where venue has not been contested. While venue is not an element of a criminal offense, it must be established beyond a reasonable doubt. *State v. Dombrowski*, 44 Wis.2d 486, 171 N.W.2d 349 (1969); *Smazal v. State*, 31 Wis.2d 360, 142 N.W.2d 808 (1960). Where venue is contested and one of the exceptions under § 971.19 applies, a separate instruction on venue may be required; see Wis JI-Criminal 267.