

602 INSTRUCTION AFTER EVIDENCE HAS BEEN RECEIVED ON ISSUE OF GUILT WHERE A PLEA OF NOT GUILTY HAS BEEN JOINED WITH A PLEA OF NOT GUILTY BY REASON OF MENTAL DISEASE OR DEFECT

THE FOLLOWING MAY BE ADDED TO WIS JI-CRIMINAL 100 – OPENING INSTRUCTION – OR GIVEN FOLLOWING THE INSTRUCTION ON THE OFFENSE CHARGED

In this first phase of the trial, you have heard evidence that dealt solely with the defendant's conduct during the alleged incident. You are to determine only whether the defendant is guilty of the charge of (charge). If you find the defendant not guilty, the trial will be over. If you find the defendant guilty, the trial will proceed to the second phase, where you will determine whether the defendant was not responsible by reason of mental disease or defect.

COMMENT

Wis JI-Criminal 602 is part of a series of instructions which replaced the instructions formerly numbered 600-CPC through 655-CPC. Wis JI-Criminal 602 was originally published in 1980. The Comment was revised in 1982 and 1984, and republished without change in 1988, 1990, and 2003. The 2003 revision involved adoption of the new format and changes in the text. It was republished without change in 2011.

This instruction is intended to be used at the end of the first phase of the trial, either as part of the opening instruction (Wis JI-Criminal 100) or as an introductory paragraph to the instruction for the offense charged.