

**1188 HOMICIDE BY INTOXICATED USER OF VEHICLE, FIREARM, OR
AIRGUN: AFFIRMATIVE DEFENSE UNDER § 940.09(2)**

[INSTRUCTION WITHDRAWN]

COMMENT

Wis JI-Criminal 1188 was originally published in 1993 and revised in 1995, 1997 and 1998. It was withdrawn in 2004.

This instruction provided material describing the affirmative defense that applies to violations of § 940.09. The material was to be added to the instructions for the applicable offenses. In 2004, the instructions for violations of § 940.09 and § 940.25 were revised to incorporate instruction on the defense. See Wis JI-Criminal 1185, 1186, 1186A, 1189, 1190, 1191, 1262, 1263, and 1263A.