

**1232 BATTERY TO JUROR [JUROR HAS ASSENTED TO VERDICT] —  
§ 940.20(3)**

**Statutory Definition of the Crime**

Battery to a juror, as defined in § 940.20(3) of the Criminal Code of Wisconsin, is committed by one who intentionally causes bodily harm to a person without the consent of that person because the person assented to a (verdict) (indictment).

**State's Burden of Proof**

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following five elements were present.

**Elements of the Crime That the State Must Prove**

1. The defendant caused bodily harm to (name of victim).

"Cause" means that the defendant's conduct was a substantial factor in producing the bodily harm.<sup>1</sup>

"Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.<sup>2</sup>

2. The defendant intended to cause bodily harm to (name of victim).

The phrase "intent to cause bodily harm" means that the defendant had the mental purpose to cause bodily harm to another human being or was aware that his conduct was practically certain to cause bodily harm to another.<sup>3</sup>

3. The defendant caused bodily harm without the consent of (name of victim).

4. The defendant knew that (name of victim) did not consent to the causing of bodily harm.<sup>4</sup>

5. The defendant caused such bodily harm to (name of victim) because (name of victim) assented to a (verdict) (indictment).

### **Deciding About Intent and Knowledge**

You cannot look into a person's mind to find intent or knowledge. Intent and knowledge must be found, if found at all, from the defendant's acts, words, and statements, if any, and from all the facts and circumstances in this case bearing upon intent and knowledge.<sup>5</sup>

### **Jury's Decision**

If you are satisfied beyond a reasonable doubt that all five elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

### **COMMENT**

The offense covered by this instruction was formerly covered by Wis JI-Criminal 1224 which was originally published in 1979 and revised in 1982 and 1992. It was republished as Wis JI-Criminal 1232 in 1994 and revised in 1998. This revision was approved by the Committee in October 2004.

Section 940.20(3) was amended by 1997 Wisconsin Act 143 (effective date: May 5, 1998) to delete reference to "witnesses," limiting the coverage of the statute to offenses against grand and petit jurors. Offenses against witnesses are addressed by § 940.201, also created by Act 143. See Wis JI-Criminal 1238 and 1239.

1. The Committee concluded that the simple "substantial factor" definition of cause should be sufficient for most cases. Where there is evidence of more than one possible cause, something like the following might be added:

There may be more than one cause of bodily harm. The act of one person alone might produce it, or the acts of two or more persons might jointly produce it.

2. This is the definition of "bodily harm" provided in § 939.22(4).

3. See § 939.23(4) and Wis JI-Criminal 923A and 923B.

4. The knowledge element is based on the definition of "intentionally" in § 939.23(3): ". . . the actor must have knowledge of those facts which are necessary to make his conduct criminal and which are set forth after the word intentionally."

5. This instruction on finding intent is a shorter version of a longer statement commonly used in the standard instructions. The Committee has concluded that this shorter version is appropriate for most cases. The complete, traditional, statement is found at Wis JI-Criminal 923A.