

**1813 PICKETING, PARADING, OR DEMONSTRATING AT THE RESIDENCE OF A JUDGE – § 946.645****Statutory Definition of the Crime**

Section 946.645 of the Criminal Code of Wisconsin is violated by one who (pickets) (parades) (demonstrates) at or near the residence of a judge with the intent to (interfere with, obstruct, or impede the administration of justice) (influence the judge in the discharge of his or her duty).

**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 three elements were present.

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

1. The defendant engaged in (picketing) (parading) (demonstrating).
2. The defendant (picketed) (paraded) (demonstrated) at or near a residence occupied or used by a judge.

“Judge” means a person who currently is or who formerly was a supreme court justice, court of appeals judge, circuit court judge, municipal judge, tribal judge, temporary or permanent reserve judge, or circuit, supplemental, or municipal court commissioner.<sup>1</sup>

3. The defendant (picketed) (paraded) (demonstrated) with the intent to (interfere with, obstruct, or impede the administration of justice) (influence the judge in the discharge of his or her duty).

“With intent to” means that the defendant acted with the purpose to (interfere with, obstruct, or impede the administration of justice) (influence the judge in the discharge of his or her duty), or was aware that (his) (her) conduct was practically certain to cause that result.<sup>2</sup>

### **Deciding About Intent**

You cannot look into a person’s mind to find intent. Intent 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.

### **Jury’s Decision**

If you are satisfied beyond a reasonable doubt that all three 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**

Wis JI-Criminal 1813 was approved by the Committee in June 2024.

This instruction is for a violation of sub. (2) of § 946.645, which was created by 2023 Wisconsin Act 234 [effective date: March 29, 2024]

1. This is the definition of “judge” provided in § 940.203(1)(b).
2. Under the Criminal Code, the phrase “with intent to” means that the defendant either has a purpose to do the thing or cause the result specified or is aware that his or her conduct is practically certain to cause that result. See § 939.23(4) and Wis JI Criminal 923A and 923B.