

2302A INQUEST: SUGGESTED VERDICTS

We, the undersigned jurors, find as follows:

1. Is there probable cause to believe that the death of (name of deceased) was caused under circumstances constituting (name of offense submitted to the jury), contrary to section _____ of the Wisconsin Statutes?¹

Yes _____ No _____

Answer question 2 only if you answer question 1 "yes."

2. Is there probable cause to believe that the following person committed the offense of (name of offense submitted to the jury), contrary to section _____ of the Wisconsin Statutes, in causing the death of (name of deceased)?²

(Name person)

Yes _____ No _____

Answer question 3 only if you answer question 1 "no."

3. Is there probable cause to believe that the death of (name of deceased) was a result of [natural causes] [an accident] [suicide] [an act privileged by law]?³

Yes _____ No _____

We, the undersigned jurors, state that we are unanimous as to each question in the verdict, and the verdict is signed by each of us. Dated at _____, Wisconsin, this _____ day of _____, 20__.

Validated and signed this _____ day of _____, 20__.

(Name of judge), Circuit Court Judge

COMMENT

Wis JI-Criminal 2302A was originally published in 1998. This revision was approved by the Committee in June 2009. It adopted a new format and did not make any substantive changes.

This provides a suggested form for verdict questions submitted to the inquest jury. Instructions explaining the questions are provided in Wis JI-Criminal 2302.

Section 979.08(3) specifies the form of the verdict:

... The verdict shall be in a form which permits the following findings:

(a) Whether the deceased came to his or her death by criminal means and, if so, the specific crimes committed and the name of the person or persons, if known, having committed the crimes.

(b) Whether the deceased came to his or her death by natural causes, accident, suicide or an act privileged by law.

1. Section 979.08(1) provides that "[t]he instructions shall include those criminal offenses for which the judge or court commissioner believes a reasonable jury might return a verdict based upon a finding of probable cause." Thus, if supported by the evidence, instructions on more than one offense may be required. If that is the case, the Committee recommends submitting additional questions in essentially the same form as question 1, specifying a different offense and including a definition of that offense.

2. The model is set up for the simple case where one person is being considered as the person who committed the crime. If more than one person is being considered, the Committee recommends adding a separate question for each person.

3. The model is drafted to provide for the selection of the one of the alternatives. If more than one of the alternatives is raised by the evidence, the Committee suggests adding questions for each one.