

INSTRUCTION NO. _____

The elements of the crime of Cruelty to Animals are:

- (1) That the Defendant,
- (2) in the City and County of Denver, State of Colorado, on or about (date)
- (3) recklessly or with criminal negligence
- (4) (a) carried or confined an animal in a vehicle in a cruel or reckless manner, or
- (4) (b) mistreated an animal, or
- (4) (c) neglected an animal, or
- (4) (d) needlessly killed an animal.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the Defendant Guilty of Cruelty to Animals.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the Defendant Not Guilty of Cruelty to Animals.

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A crime is committed when the defendant has committed a voluntary act prohibited by law accompanied by a culpable mental state. Voluntary act means an act performed consciously as a result of effort or determination. Culpable mental state means “recklessly,” or with “criminal negligence” as explained in this instruction. Proof of the commission of the act alone is not sufficient to prove that the defendant had the required culpable mental state. The culpable mental state is as much an element of the crime as the act itself and must be proven beyond a reasonable doubt, either by direct or circumstantial evidence.

A person acts “recklessly” when she consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

A person acts with “criminal negligence” when, through a gross deviation from the standard of care that a reasonable person would exercise, she fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

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Concerning the charges submitted to you for your consideration in this case, certain words or phrases have a particular meaning. The following are the definitions of those words or phrases:

"Animal" means any living dumb creature.

"Mistreatment" means every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering.

"Neglect" means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal's health and well-being consistent with the species, breed, and type of animal.

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The bailiff will now escort you to the jury room. Upon reaching the jury room, you are to select one of your members to be the Foreperson. Your Foreperson will preside over your deliberations and shall sign whatever verdict you reach.

The verdict must represent the considered judgment of each juror. In order to return a verdict it is necessary that each juror agree to it. Your verdict must be unanimous.

Only one verdict on the form shall be returned signed. These instructions and the verdict form shall remain in the possession of your Foreperson until such time as they are called for by the Judge in Open Court. Upon reaching your verdict you will inform the bailiff of this Court, who in turn will notify the Court, and you will remain in your jury room until called into the courtroom by the Judge.

You will be provided with two (2) forms of verdict. When you have unanimously agreed upon your verdict you will select the portion of the verdict form which reflects your verdict and the Foreperson will sign that portion as the Court has stated. The verdict form together with these instructions, shall be returned with no other markings on them.

Judge

County Court, City and County of Denver, Colorado
Denver, CO

Plaintiff: THE PEOPLE OF THE STATE OF
COLORADO

Defendant: xxxxx

σ COURT USE ONLY σ

Case Number: xxxxx

Div.: Criminal Ctrm: xxxxx

JURY VERDICT
CHARGE OF CRUELTY TO ANIMALS – ROTTWEILER #1 (DECEASED)

I. * We, the jury, find the Defendant, xxxxx, NOT GUILTY of CRUELTY TO ANIMALS against ROTTWEILER #1 (DECEASED).

Foreperson

II.* We, the jury, find the Defendant, xxxxx, GUILTY of CRUELTY TO ANIMALS against ROTTWEILER #1 (DECEASED), and further find that the Defendant:

**[] (a) carried or confined ROTTWEILER #1 (DECEASED) in a vehicle in a cruel or reckless manner

**[] (b) mistreated ROTTWEILER #1 (DECEASED)

**[] (c) neglected ROTTWEILER #1 (DECEASED)

**[] (d) needlessly killed ROTTWEILER #1(DECEASED)

Foreperson

* The Foreperson should sign only one of the above (I. or II.). If the verdict is NOT GUILTY, then I. above should be signed and no other markings should be made on this form. If the verdict is GUILTY, then II. above should be signed and the form should be further marked as described in the following paragraph.

** If you find the Defendant GUILTY, you must also complete the form by placing, in ink, an "X" in the appropriate box or boxes indicating your decisions; you may mark one box, two boxes, three boxes, or four boxes but you must mark at least one box. Your decision as to any box you do mark must be unanimous.

County Court, City and County of Denver, Colorado
Denver, CO

Plaintiff: THE PEOPLE OF THE STATE OF
COLORADO

Defendant: xxxxx

σ COURT USE ONLY σ
Case Number: xxxxx

Div.: Criminal Ctrm: xxxxx

JURY VERDICT
CHARGE OF CRUELTY TO ANIMALS – ROTTWEILER #2

I. * We, the jury, find the Defendant, xxxxx, NOT GUILTY of CRUELTY TO ANIMALS against ROTTWEILER #2.

Foreperson

II.* We, the jury, find the Defendant, xxxxx, GUILTY of CRUELTY TO ANIMALS against ROTTWEILER #2, and further find that the Defendant:

**[] (a) carried or confined ROTTWEILER #2 in a vehicle in a cruel or reckless manner

**[] (b) mistreated ROTTWEILER #2

**[] (c) neglected ROTTWEILER #2

Foreperson

* The Foreperson should sign only one of the above (I. or II.). If the verdict is NOT GUILTY, then I. above should be signed and no other markings should be made on this form. If the verdict is GUILTY, then II. above should be signed and the form should be further marked as described in the following paragraph.

** If you find the Defendant GUILTY, you must also complete the form by placing, in ink, an “X” in the appropriate box or boxes indicating your decisions; you may mark one box, two boxes, or three boxes but you must mark at least one box. Your decision as to any box you do mark must be unanimous.