

Elements of Criminal Offenses

CRIMES AGAINST LIFE – Ch. 940

<u>Initials</u>	<u>Charge</u>	<u>Statute</u>	<u>Jl</u>	<u>Elements</u>
	First Degree Reckless Homicide – Deliver Drugs	940.02(2)(a)	1021	<ol style="list-style-type: none"> 1. The defendant delivered a substance. 2. The substance was a controlled substance. 3. The defendant knew or believed the substance was a controlled substance. 4. Another person used the substance alleged to have been delivered by the defendant and died as a result of that use.
	Homicide by Intoxicated Use of a Vehicle	940.09(1)(a)	1185	<ol style="list-style-type: none"> 1. The defendant operated a vehicle. 2. The defendant's operation of a vehicle caused the death of another person. 3. The defendant was under the influence of an intoxicant at the time the defendant operated a vehicle.
	Homicide by Operation of a Vehicle While RCS	940.09(1)(am)	1187	<ol style="list-style-type: none"> 1. The defendant operated a vehicle. 2. The defendant's operation of a vehicle caused the death of another person. 3. The defendant had a detectable amount of a restricted controlled substance in his or her blood at the time the defendant operated a vehicle.
	Homicide by Operation of a Vehicle with a Prohibited Alcohol Concentration	940.09(1)(b)	1186	<ol style="list-style-type: none"> 1. The defendant operated a vehicle 2. The defendant's operation of a vehicle caused the death of another person. 3. The defendant had a prohibited alcohol concentration at the time the defendant operated a vehicle.

SEXUAL ASSAULT CRIMES – 940.225

<u>Initials</u>	<u>Charge</u>	<u>Statute</u>	<u>Jl</u>	<u>Elements</u>
	1 st degree Sexual Assault – Use / Threat of Dangerous Weapon	940.225(1)(b)	1203	<ol style="list-style-type: none"> 1. The defendant had sexual (contact) (intercourse) with the victim. 2. The victim did not consent to the sexual (contact) (intercourse). 3. The defendant had sexual (contact) (intercourse) with the victim by use or threat of use of [a dangerous weapon] [an article used or fashioned in a manner to lead the other person to reasonably believe it was a dangerous weapon].
	2 nd degree Sexual Assault – Use/Threat of Force	940.225(2)(a)	1208	<ol style="list-style-type: none"> 1. The defendant had sexual (contact) (intercourse) with the victim. 2. The victim did not consent to the sexual (contact) (intercourse). 3. The defendant had sexual (contact) (intercourse) with the victim by use or threat of force or violence.
	2 nd Degree Sexual Assault – Intoxicated Victim	940.225(2)(cm)	1212	<ol style="list-style-type: none"> 1. The defendant had sexual (contact) (intercourse) with the victim. 2. The victim was under the influence of an intoxicant at the time of the sexual (contact) (intercourse). 3. The victim was under the influence of an intoxicant to a degree which rendered him or her incapable of giving consent. 4. The defendant had actual knowledge that the victim was incapable of giving consent. 5. The defendant had the purpose to have sexual (contact) (intercourse) while the victim was incapable of giving consent.

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3 rd Degree Sexual Assault: Intercourse without consent	940.225(3)	1218A	<ol style="list-style-type: none"> 1. The defendant had sexual intercourse with the victim. 2. The victim did not consent to the sexual intercourse.
4 th Degree Sexual Assault	940.225(3m)	1219	<ol style="list-style-type: none"> 1. The defendant had sexual contact with the victim. 2. The victim did not consent to the sexual contact.

CRIMES AGAINST BODILY SECURITY – Ch. 940

<u>Initials</u>	<u>Charge</u>	<u>Statute</u>	<u>JI</u>	<u>Elements</u>
	Battery	940.19(1)	1220	<ol style="list-style-type: none"> 1. The defendant caused bodily harm to another person. 2. The defendant intended to cause bodily harm to the other person. 3. The defendant caused bodily harm without the consent of the other person. 4. The defendant knew that the other person did not consent.
	Substantial Battery – Intend Bodily Harm	940.19(2)	1222	<ol style="list-style-type: none"> 1. The defendant caused substantial bodily harm to the victim. 2. The defendant intended to cause bodily harm to the victim or another person.
	Aggravated Battery – Intend Bodily Harm	940.19(4)	1224	<ol style="list-style-type: none"> 1. The defendant caused great bodily harm to the victim. 2. The defendant intended to cause bodily harm to the victim or another person.
	Aggravated Battery – Intend Great Bodily Harm	940.19(5)	1225	<ol style="list-style-type: none"> 1. The defendant caused great bodily harm to the victim. 2. The defendant intended to cause great bodily harm to the victim or another person.
	Battery by Prisoner	940.20(1)	1228	<ol style="list-style-type: none"> 1. The defendant was a prisoner confined to [state prison] [(state) (county) (municipal) detention facility] as a result of a violation of law. 2. The defendant intentionally caused (bodily harm) (soft tissue injury) to the victim. 3. The victim was (an officer) (an employee) (a visitor) (another inmate) of the institution. 4. The defendant caused (bodily harm) (soft tissue injury) without the consent of the victim. 5. The defendant knew the victim was (an officer) (an employee) (a visitor) (another inmate) of the institution and knew that the victim did not consent to the causing of (bodily harm) (soft tissue injury).
	Battery or Threat to Prosecutor or Law Enforcement Officer	940.203(2)	1240C, 1240D	<ol style="list-style-type: none"> 1. The defendant (caused) (threatened to cause) bodily harm to the victim. 2. The victim was a (prosecutor) (law enforcement officer) (family member of a (prosecutor) (family member of a law enforcement officer). 3. The defendant knew that the victim was a (prosecutor) (law enforcement officer) (family member of a prosecutor) (family member of a law enforcement officer). 4. The defendant (caused) (threatened to cause) bodily harm in response to an action taken in the (prosecutor's) (law enforcement officer's) official capacity. 5. The defendant (caused) (threatened to cause) bodily harm without the consent of the victim. 6. The defendant acted intentionally.

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Battery or Threat to Judge	940.203(2)	1240A, 1240B	<ol style="list-style-type: none"> 1. The defendant (caused) (threatened to cause) bodily harm to the victim. 2. The victim was a (judge) (family member of a judge). 3. The defendant knew that the victim was a (judge) (family member of a judge). 4. The defendant (caused) (threatened to cause) bodily harm in response to an action taken in the judge's official capacity. 5. The defendant (caused) (threatened to cause) bodily harm without the consent of the victim. 6. The defendant acted intentionally.
Strangulation and Suffocation	940.235(1)	1255	<ol style="list-style-type: none"> 1. The defendant impeded the normal breathing or circulation of blood by applying pressure on the throat or neck or by blocking the nose or mouth of the victim. 2. The defendant did so intentionally.
Injury by Intoxicated Use of Vehicle	940.25(1)(a)	1262	<ol style="list-style-type: none"> 1. The defendant operated a vehicle. 2. The defendant's operation of a vehicle caused great bodily harm to the victim. 3. The defendant was under the influence of an intoxicant at the time the defendant operated a vehicle.
Injury by Operation of a Vehicle -- RCS	940.25(1)(am)	1266	<ol style="list-style-type: none"> 1. The defendant operated a vehicle. 2. The defendant's operation of a vehicle caused great bodily harm to the victim. 3. The defendant had a detectable amount of a restricted controlled substance in his or her blood at the time the defendant operated a vehicle.
Injury by Operation of a Vehicle with a Prohibited Alcohol Concentration	940.25(1)(b)	1263, 1263A	<ol style="list-style-type: none"> 1. The defendant operated a vehicle. 2. The defendant's operation of a vehicle caused great bodily harm to the victim. 3. The defendant had a prohibited alcohol concentration at the time the defendant operated a vehicle.
False Imprisonment	940.30	1275	<ol style="list-style-type: none"> 1. The defendant confined or restrained another person. 2. The defendant confined or restrained another person intentionally. 3. The person was confined or restrained without his or her consent. 4. The defendant had no lawful authority to confine or restrain the person. 5. The defendant knew that the person did not consent and knew that he or she did not have the lawful authority to confine or restrain the person.
Intimidation of Witness (misdemeanor)	940.42	1292	<ol style="list-style-type: none"> 1. A person was a witness. 2. The defendant (prevented or dissuaded) (attempted to prevent or dissuade) the person from attending or giving testimony at a proceeding authorized by law. 3. The defendant acted knowingly and maliciously.
Intimidation of Witness – Use or Attempt Force	940.43(1)	1292	<ol style="list-style-type: none"> 1. A person was a witness. 2. The defendant (prevented or dissuaded) (attempted to prevent or dissuade) the person from attending or giving testimony at a proceeding authorized by law. 3. The defendant acted knowingly and maliciously. 4. The defendant's act was accompanied by (attempted) force or violence upon the witness.

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Intimidate Witness – Damage Property	940.43(2)	2192	<ol style="list-style-type: none"> 1. A person was a witness. 2. The defendant (prevented or dissuaded) (attempted to prevent or dissuade) the person from attending or giving testimony at a proceeding authorized by law. 3. The defendant acted knowingly and maliciously. 4. The defendant’s act was accompanied by damage to the property of the witness.
Intimidate Witness – Threaten Force	940.43(3)	2192	<ol style="list-style-type: none"> 1. A person was a witness. 2. The defendant (prevented or dissuaded) (attempted to prevent or dissuade) the person from attending or giving testimony at a proceeding authorized by law. 3. The defendant acted knowingly and maliciously. 4. The defendant’s act was accompanied by any express or implied threat of (force or violence upon) (damage to the property of) the witness.
Intimidate Witness – Person Charged with Felony	940.43(7)	2192	<ol style="list-style-type: none"> 1. A person was a witness. 2. The defendant (prevented or dissuaded) (attempted to prevent or dissuade) the person from attending or giving testimony at a proceeding authorized by law. 3. The defendant acted knowingly and maliciously. 4. The defendant committed the act in connection with a trial, proceeding or inquiry in a felony case in which he or she was charged.
Intimidation of Victim (misdemeanor)	940.44(1)	1296	<ol style="list-style-type: none"> 1. The person was a victim of a crime. 2. The defendant (prevented or dissuaded) (attempted to prevent or dissuade) the person from reporting the crime to any law enforcement agency. 3. The defendant acted knowingly and maliciously.
Intimidation of Victim – Use or Attempt Force	940.45(1)	1296	<ol style="list-style-type: none"> 1. The person was a victim of a crime. 2. The defendant (prevented or dissuaded) (attempted to prevent or dissuade) the person from reporting the crime to any law enforcement agency. 3. The defendant acted knowingly and maliciously. 4. The defendant’s act was accompanied by (attempted) force or violence upon the person or family member of the person.
Intimidation of Victim – Damage Property	940.45(2)	1296	<ol style="list-style-type: none"> 1. The person was a victim of a crime. 2. The defendant (prevented or dissuaded) (attempted to prevent or dissuade) the person from reporting the crime to any law enforcement agency. 3. The defendant acted knowingly and maliciously. 4. The defendant’s act was accompanied by damage to the property of the person.
Intimidate Victim – Threaten Force	940.45(3)	1296	<ol style="list-style-type: none"> 1. The person was a victim of a crime. 2. The defendant (prevented or dissuaded) (attempted to prevent or dissuade) the person from reporting the crime to any law enforcement agency. 3. The defendant acted knowingly and maliciously. 4. The defendant’s act was accompanied by any express or implied threat of (force or violence upon) (damage to the property of) the person or a family member of the person.

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CRIMES AGAINST PUBLIC HEALTH AND SAFETY – Ch. 941

<u>Initials</u>	<u>Charge</u>	<u>Statute</u>	<u>Jl</u>	<u>Elements</u>
	Endangering Safety by Use of Dangerous Weapon: Negligent Handling	941.20(1)(a)	1320	<ol style="list-style-type: none"> 1. The defendant operated or handled a dangerous weapon. 2. The defendant operated or handled a dangerous weapon in a manner constituting criminal negligence. 3. The defendant's operation or handling of a dangerous weapon in a criminally negligent manner endangered the safety of another.
	Operating Firearm while Intoxicated	941.20(1)(b)	1321	<ol style="list-style-type: none"> 1. The defendant (operated) (went armed with) a firearm. 2. The defendant was under the influence of an intoxicant at the time he or she (operated) (went armed with) a firearm.
	Intentionally Point Firearm at Person	941.20(1)(c)	1322	<ol style="list-style-type: none"> 1. The defendant pointed a firearm at or toward another. 2. The defendant pointed the firearm at or toward another intentionally.
	Carrying Concealed Weapon	941.23	1335	<ol style="list-style-type: none"> 1. The defendant carried a dangerous weapon. 2. The defendant was aware of the presence of the weapon. 3. The weapon was concealed.
	Carrying a Concealed Knife	941.231	1336	<ol style="list-style-type: none"> 1. The defendant went armed with a concealed knife. 2. The concealed knife was a dangerous weapon. 3. The defendant had been previously convicted of a felony.
	Possession of Firearm – Convicted of Felony	941.29(1m)(a)	1343	<ol style="list-style-type: none"> 1. The defendant possessed a firearm. 2. The defendant had previously been convicted of a felony.
	Possession of an Electric Weapon	941.295(1m)	1344A	<ol style="list-style-type: none"> 1. The defendant possessed a device. 2. The device was an electric weapon.
	First Degree Recklessly Endangering Safety	941.30(1)	1345	<ol style="list-style-type: none"> 1. The defendant endangered the safety of another human being. 2. The defendant endangered the safety of another by criminally reckless conduct. 3. The circumstances of the defendant's conduct showed utter disregard for human life.
	Second Degree Recklessly Endangering Safety	941.30(2)	1347	<ol style="list-style-type: none"> 1. The defendant endangered the safety of another human being. 2. The defendant endangered the safety of another by criminally reckless conduct.
	Throwing or Expelling a bodily Substance at a Public Safety Worker	941.375	1365	<ol style="list-style-type: none"> 1. The victim was a public safety worker. 2. The defendant threw or expelled a bodily substance at or toward the victim with the intent that the bodily substance comes into contact with the victim. 3. The victim did not consent to the substance being thrown or expelled at or toward (him) (her).

CRIMES AGAINST PROPERTY – Ch. 943

<u>Initials</u>	<u>Charge</u>	<u>Statute</u>	<u>Jl</u>	<u>Elements</u>
	Criminal Damage to Property	943.01(1)	1400	<ol style="list-style-type: none"> 1. The defendant caused damage to physical property. 2. The defendant intentionally caused the damage. 3. The property belonged to another person. 4. The defendant caused the damage without the consent of the owner. 5. The defendant knew the property belonged to another person and knew the other person did not consent to the damage.

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Arson of a Building of Another	943.02(1)(a)	1404	<ol style="list-style-type: none"> 1. The defendant intentionally damaged a building by means of fire. 2. The building belonged to another person. 3. The defendant damaged the building without the owner's consent. 4. The defendant knew that the building belonged to another person and knew that the other person did not consent to the damage of the building.
Arson of Property other than a Building	943.03	1408	<ol style="list-style-type: none"> 1. The defendant intentionally damaged property by means of fire. 2. The damaged property was property of another. 3. The defendant damaged the property by fire without the owner's consent. 4. The value of the property was \$100 or more. 5. The defendant knew that <ol style="list-style-type: none"> a. The property belonged to another person; and b. The other person did not consent to the damage of the property; and c. The value of the property was \$100 or more.
Burglary with Intent to Steal	943.10(1m)(a)	1421	<ol style="list-style-type: none"> 1. The defendant intentionally entered a building or dwelling. 2. The defendant entered the building or dwelling without the consent of the person in lawful possession. 3. The defendant knew that the entry was without consent. 4. The defendant entered the building or dwelling with the intent to steal.
Burglary – Armed with Dangerous Weapon	943.10(2)(a)	1421; 1425A	<ol style="list-style-type: none"> 1. The defendant intentionally entered a building or dwelling. 2. The defendant entered the building or dwelling without the consent of the person in lawful possession. 3. The defendant knew that the entry was without consent. 4. The defendant entered the building or dwelling with the intent to steal. 5. The defendant committed the crime of burglary while armed with a dangerous weapon.
Burglary: Arm Self with Dangerous Weapon	943.10(2)(b)	1421; 1425B	<ol style="list-style-type: none"> 1. The defendant intentionally entered a building or dwelling. 2. The defendant entered the building or dwelling without the consent of the person in lawful possession. 3. The defendant knew that the entry was without consent. 4. The defendant entered the building or dwelling with the intent to steal. 5. The defendant armed himself or herself with a dangerous weapon while in the enclosure.
Burglary with Intent to Commit a Felony	943.10(1m)	1424	<ol style="list-style-type: none"> 1. The defendant intentionally entered a building or dwelling. 2. The defendant entered the building or dwelling without the consent of the person in lawful possession. 3. The defendant knew that the entry was without consent. 4. The defendant entered the building or dwelling with intent to commit a felony.

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Entry into Locked Vehicle	943.11	1426	<ol style="list-style-type: none"> 1. The defendant intentionally entered the locked and enclosed portion or compartment of a vehicle of another. 2. The defendant intentionally entered without the consent of a person authorized to give consent. 3. The defendant knew that the vehicle belonged to another person and knew that the entry was without consent. 4. The defendant entered the (vehicle) (compartment) with intent to steal.
Possession of Burglarious Tools	943.12	1431	<ol style="list-style-type: none"> 1. The defendant had possession of a tool or device. 2. The tool or device was suitable for use in breaking into a building. 3. The defendant intended to use the tool or device to break into a building with intent to steal.
Criminal Trespass to Dwelling	943.14(2)	1437	<ol style="list-style-type: none"> 1. The defendant intentionally (entered) (remained in) the dwelling of another. 2. The defendant (entered) (remained in) the dwelling without the consent of someone lawfully upon the premises. 3. The defendant (entered) (remained in) the dwelling under circumstances tending to create or provoke a breach of the peace.
Theft – Movable Property	943.20(1)(a)	1441	<ol style="list-style-type: none"> 1. The defendant intentionally (took and carried away) (used) (transferred) (concealed) (retained possession of) moveable property of another. 2. The owner of the property did not consent to the (taking and carrying away) (using) (transferring) (concealing) (retaining possession of) the property. 3. The defendant knew that the owner did not consent. 4. The defendant intended to deprive the owner permanently of the possession of the property. 5. The value of the property stolen was <ol style="list-style-type: none"> a. \$2,500 or less (misdemeanor) b. \$2,500 - \$5,000 (Class I) c. \$5,000 - \$10,000 (Class H) d. \$10,000 - \$100,000 (Class G) e. \$100,000 or more (Class F)
Theft by Contractor	943.20(1)(b)	1443	<ol style="list-style-type: none"> 1. The defendant entered into an oral or written agreement for the improvement of land. 2. The defendant received money from the owner under the agreement for the improvement of land. 3. The defendant intentionally used any of the money for a purpose other than the payment of claims due or to become due from the defendant for labor or materials used in the improvements before all claims were paid in full. 4. The use of the money was without the consent of the owner of the land and contrary to the defendant's authority. 5. The defendant knew that the use of money was without the consent of the owner of the land and contrary to the defendant's authority.

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	Theft –Business Setting	943.20(1)(b)	1444	<ol style="list-style-type: none"> 1. The defendant possessed money belonging to another person because of his or her employment. 2. The defendant intentionally used the money without the owner’s consent and contrary to the defendant’s authority. 3. The defendant knew that the use of the money was without the owner’s consent and contrary to the defendant’s authority. 4. The defendant intended to convert the money to his or her own use or the use of another person except the owner. 5. The value of the property involved was <ol style="list-style-type: none"> a. \$2,500 or less (misdemeanor) b. \$2,500 - \$5,000 (Class I) c. \$5,000 - \$10,000 (Class H) d. \$10,000 - \$100,000 (Class G) e. \$100,000 or more (Class F)
	Theft – False Representation	943.20(1)(d)	1453A	<ol style="list-style-type: none"> 1. The defendant made a false representation to the owner of property. 2. The defendant knew that the representation was false. 3. The defendant made the false representation with the intent to deceive and to defraud the owner. 4. The defendant obtained title to the property of the owner by means of the false representation. 5. The owner was deceived by the representation. 6. The owner was defrauded by the representation.
	Unauthorized use of an Individual’s personal identifying Information or Documents	943.201(2)(a)	1458	<ol style="list-style-type: none"> 1. The defendant intentionally [(used) (attempted to use) (possessed with intent to use)] [(personal identifying information) (a personal identification document)] of another person. 2. The defendant intentionally [(used) (attempted to use) (possessed with intent to use)] [(personal identifying information) (a personal identification document)] of another person in order to obtain (credit) (money) (goods) (services) (employment) (anything else of value or benefit) or to avoid (civil) (criminal) (process) (penalty) or to harm the (reputation) (property) (person) (estate) of the other person. 3. The defendant acted without the authorization or consent of the other person and knew that the other person did not give authorization or consent. 4. The defendant intentionally represented that he or she was the other person or that he or she was acting with the authorization or consent of the other person or that the information or document belonged to him or her.
	Fraud on Innkeeper -- Nonpayment	943.21(1m)(a)	1461	<ol style="list-style-type: none"> 1. The defendant obtained (food) (beverage) (lodging). 2. The defendant knew he or she was obliged to pay for the (food) (beverages) (lodging). 3. The defendant intentionally absconded without paying.
	Take and Drive Vehicle without Consent	943.23(2)	1464	<ol style="list-style-type: none"> 1. The defendant intentionally took a vehicle without the consent of the owner. 2. The defendant intentionally drove the vehicle without the consent of the owner. 3. The defendant knew that the owner of the vehicle did not consent to taking and driving the vehicle.

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Drive or Operate Vehicle without Consent	943.23(3)	1465	<ol style="list-style-type: none"> 1. The defendant intentionally (drove) (operated) a vehicle without the consent of the owner. 2. The defendant knew that the owner of the vehicle did not consent to (driving) (operating) the vehicle.
Take/Drive Vehicle without Consent – Abandon Vehicle	943.23(3m)	1465A	<ol style="list-style-type: none"> 1. The defendant intentionally (drove) (operated) a vehicle without the consent of the owner. 2. The defendant knew that the owner of the vehicle did not consent to (driving) (operating) the vehicle. 3. The defendant abandoned the vehicle without damage within 24 hours after the vehicle was taken from the possession of the owner.
Operate Vehicle without Consent -- Passenger	943.23(4m)	1466	<ol style="list-style-type: none"> 1. A person intentionally (drove) (operated) a vehicle without the consent of the owner. 2. The defendant intentionally accompanied the person as a passenger in the vehicle. 3. The defendant knew that the owner did not consent to the (driving) (operating) of the vehicle.
Issue of Worthless Check – Misdemeanor	943.24(1)	1468	<ol style="list-style-type: none"> 1. The defendant issued a check. 2. At the time the check was issued, the defendant intended that it not be paid.
Issue of Worthless Check – Felony (single check)	943.24(2)	1469A	<ol style="list-style-type: none"> 1. The defendant issued a check. 2. The check was for the payment of \$2,500 or more. 3. At the time the check was issued, the defendant intended that it not be paid.
Issue of Worthless Check – Felony (series of checks)	943.24(2)	1469B	<ol style="list-style-type: none"> 1. The defendant issued checks. 2. The checks were issued within a 90-day period and totaled \$2,500 or more. 3. At the time the checks were issued, the defendant intended that they not be paid.
Robbery With Use of Force	943.32(1)(a)	1479	<ol style="list-style-type: none"> 1. The victim was the owner of property. 2. The defendant took and carried away property from the person or from the presence of the owner of the property. 3. The defendant took the property with the intent to steal. 4. The defendant acted forcibly. This requires that the defendant used force against the person with the intent to overcome or prevent physical resistance or physical power of resistance to the taking and carrying away of the property.
Robbery with Threat of Force	943.32(1)(b)	1479	<ol style="list-style-type: none"> 1. The victim was the owner of property. 2. The defendant took and carried away property from the person or from the presence of the owner of the property. 3. The defendant took the property with the intent to steal. 4. The defendant threatened the imminent use of force against the person with the intent to compel the person to submit to the taking and carrying away of the property.

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Armed Robbery: By Use or Threat of Use of a Dangerous Weapon	943.32(2)	1480	<ol style="list-style-type: none"> 1. The victim was the owner of property. 2. The defendant took and carried away property from the person or from the presence of the owner of the property. 3. The defendant took the property with the intent to steal. 4. The defendant acted forcibly. This requires that the defendant used force against the person with the intent to overcome or prevent physical resistance or physical power of resistance to the taking and carrying away of the property. 5. At the time of the taking or carrying away, the defendant used or threatened to use a dangerous weapon.
Receiving Stolen Property	943.34(1)(a)	1481	<ol style="list-style-type: none"> 1. The defendant knowingly or intentionally (received) (concealed) property. 2. The property was stolen property. 3. When the property was (received) (concealed), the defendant knew that it was stolen property.
Forgery	943.38(1)	1491	<ol style="list-style-type: none"> 1. The document was a writing by which legal rights or obligations are created or transferred. 2. The defendant falsely made or altered the document to appear to have been made (by another person) (at another time) (with different terms) (by authority of someone who did not give such authority). 3. The defendant falsely made or altered the document with the intent to defraud.
Uttering a Forgery	943.38(2)	1492	<ol style="list-style-type: none"> 1. The writing was one by which legal rights or obligations are created or transferred. 2. The writing was falsely made or altered. 3. The defendant uttered the writing as genuine. 4. The defendant knew the writing was falsely made or altered.
Fraudulent Use of Financial Transaction Card	943.41(5)(a)1.a	1497	<ol style="list-style-type: none"> 1. The defendant used a financial transaction card. 2. The card was (stolen) (forged) (expired) (revoked). 3. The defendant used the card for the purpose of obtaining (money) (goods) (service) (anything of value). 4. The defendant acted with the intent to defraud another.
Fraudulent use of a Financial Transaction Card	943.41(5)(a)1.b	1497A	<ol style="list-style-type: none"> 1. The defendant obtained (money) (goods) (service) (anything of value) by representing that he or she was the holder of a financial transaction card. 2. The defendant was not the person to whom the card was issued and acted without that person's consent. 3. The defendant acted with intent to defraud another.

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	Retail Theft	943.50(1m)(a)-(e)	1498	<ol style="list-style-type: none"> 1. The defendant intentionally (altered the indicated price or value of) (took and carried away) (transferred) (concealed) (retained possession of) merchandise. 2. The merchandise was held for resale by a merchant. 3. The defendant knew that the property was merchandise held for resale by a merchant. 4. The merchant did not consent to (altering the indicated price or value of) (taking and carrying away) (transferring) (concealing) (retaining possession of) the merchandise. 5. The defendant knew that the merchant did not consent. 6. The defendant intended to deprive the merchant permanently of the merchandise. 7. The value of the merchandise was <ol style="list-style-type: none"> a. \$500 or less (misdemeanor) b. \$500 - \$5,000 (Class I) c. \$5,000 - \$10,000 (Class H) d. More than \$10,000 (Class G)
	Retail Theft –Remove Anti-Theft Device	943.50(1m)(f)	1498A	<ol style="list-style-type: none"> 1. The defendant, while in the merchant’s store, intentionally removed a theft detection device from merchandise. 2. The merchandise was held for resale by a merchant. 3. The defendant knew that the property was merchandise held for resale by a merchant. 4. The merchant did not consent to removal of a theft detection device. 5. The defendant knew that the merchant did not consent. 6. The defendant intended to deprive the merchant permanently of possession of the merchandise.
	Retail Theft – use shielding device	943.50(1m)(g)	1498B	<ol style="list-style-type: none"> 1. The defendant (used) (possessed with intent to use) a theft detection shielding device to shield the property involved from being detected by a theft alarm sensor. 2. The property involved was merchandise held for resale by a merchant. 3. The defendant knew that the property was merchandise held for resale by a merchant. 4. The merchant did not consent to the (use of) (possession with intent to use) a theft detection shielding device to shield the property from being detected by a theft alarm sensor. 5. The defendant knew that the merchant did not consent. 6. The defendant intended to deprive the merchant permanently of possession of the merchandise.

CRIMES AGAINST SEXUAL MORALITY – Ch. 944

Initials	Charge	Statute	JI	Elements
	Lewd and Lascivious – Exposure	944.20(1)(b)	1544	<ol style="list-style-type: none"> 1. The defendant exposed his or her (genitals) (pubic area). 2. The defendant exposed his or her (genitals) (pubic area) publicly, that is, not in a hidden manner, but open to view. 3. The defendant exposed his or her (genitals) (pubic area) indecently.

Elements of Criminal Offenses

CRIMES AGAINST GOVERNMENT – Ch. 946

Initials	Charge	Statute	JI	Elements
	Resisting or Obstructing an Officer	946.41(1)	1765, 1766	<ol style="list-style-type: none"> 1. The defendant (resisted) (obstructed) an officer. 2. The officer was doing an act in an official capacity. 3. The officer was acting with lawful authority. 4. The defendant knew that the officer was acting in an official capacity and with lawful authority and knew that his or her conduct would (resist) (obstruct) the officer.
	Resist Officer – Substantial Bodily Harm / Soft Tissue Injury	946.41(2r)	1765	<ol style="list-style-type: none"> 1. The defendant resisted an officer. 2. The officer was doing an act in an official capacity. 3. The officer was acting with lawful authority. 4. The defendant knew that the officer was acting in an official capacity and with lawful authority and knew that his or her conduct would (resist) (obstruct) the officer. 5. The defendant caused (substantial bodily harm) (a soft tissue injury) to an officer.
	Obstructing an Officer – Give False Information	946.41(2)(a)	1766A	<ol style="list-style-type: none"> 1. The defendant knowingly gave false information to an officer. 2. The officer was doing an act in an official capacity. 3. The officer was acting with lawful authority. 4. The defendant intended to mislead the officer. 5. The defendant knew that the officer was an officer acting in an official capacity and with lawful authority.
	Escape from Custody: Jail or Prison Escape	946.42(3)(a)	1774	<ol style="list-style-type: none"> 1. The defendant was in custody. 2. The custody was a result of being sentenced for a crime. 3. The defendant escaped from custody. 4. The escape was intentional.
	Prisoner Throw/Expel Bodily Substances	946.43(2m)(a)	1779A	<ol style="list-style-type: none"> 1. The defendant was a prisoner confined to a [state prison] [(state) (county) (municipal) detention facility]. 2. The victim was an (officer) (employee) (visitor) (another prisoner) of the institution. 3. The defendant threw or expelled a bodily substance at or toward the victim with intent that the bodily substance comes into contact with the victim. 4. The defendant intended to (cause bodily harm to) (abuse, harass, offend, intimidate or frighten) the victim. 5. The victim did not consent to the substance being thrown or expelled at or toward him or her.
	Bail Jumping – Misd.	946.49(1)(a)	1795	<ol style="list-style-type: none"> 1. The defendant was (arrested for) (charged with) a misdemeanor. 2. The defendant was released from custody on bond. 3. The defendant intentionally failed to comply with the terms of the bond. 4. The defendant knew the terms of the bond and knew that his or her actions did not comply with those terms.
	Bail Jumping – Felony	946.49(1)(b)	1795	<ol style="list-style-type: none"> 1. The defendant was (arrested for) (charged with) a felony. 2. The defendant was released from custody on bond. 3. The defendant intentionally failed to comply with the terms of the bond. 4. The defendant knew the terms of the bond and knew that his or her actions did not comply with those terms.

Elements of Criminal Offenses

CRIMES AGAINST PUBLIC PLEACE, ORDER AND OTHER INTERESTS – Ch. 947

<u>Initials</u>	<u>Charge</u>	<u>Statute</u>	<u>JI</u>	<u>Elements</u>
	Disorderly Conduct	947.01	1900	<ol style="list-style-type: none"> 1. The defendant engaged in (violent) (abusive) (indecent) (profane) (boisterous) (unreasonably loud) (or otherwise disorderly) conduct. 2. The conduct of the defendant, under the circumstances as they then existed, tended to cause or provoke a disturbance.
	Unlawful Use of Phone – Threatens Harm	947.012(1)(a)	1902	<ol style="list-style-type: none"> 1. The defendant made a telephone call to a person. 2. The defendant intended to (frighten) (intimidate) (threaten) (abuse) (harass) the person. 3. The defendant threatened to inflict (physical harm to) (damage to the property of) any person.
	Unlawful use of Computer Message – Threatens Harm	947.0125(2)	1908	<ol style="list-style-type: none"> 1. The defendant sent a message to a person on (electronic mail) (a computerized communication system). 2. The defendant intended to (frighten) (intimidate) (threaten) (abuse) (harass) the person. 3. In the message, the defendant threatened to inflict (physical harm to) (damage to the property of) any person.
	Intentional Terrorist Threats	947.019(1)(a) to (d)	1925A	<ol style="list-style-type: none"> 1. The defendant threatened to cause the death of or bodily harm to any person or to damage any person’s property. 2. The defendant intended to (prevent the occupation of or cause the evacuation of a building) (cause public inconvenience) (cause public panic or fear) (cause an interruption or impairment of governmental operations).
	Reckless Terrorist Threats	947.019(1)(e)	1925B	<ol style="list-style-type: none"> 1. The defendant threatened to cause the death of or bodily harm to any person or to damage any person’s property. 2. The defendant created an unreasonable and substantial risk of (preventing the occupation of or causing the evacuation of a building) (causing public inconvenience) (causing public panic or fear) (causing an interruption or impairment of governmental operations). 3. The defendant was aware of that risk.

CRIMES AGAINST CHILDREN – Ch. 948

<u>Initials</u>	<u>Charge</u>	<u>Statute</u>	<u>JI</u>	<u>Elements</u>
	1 st Degree SA of Child: Sexual Intercourse with person <12	948.02(1)(b)	2102B	<ol style="list-style-type: none"> 1. The defendant had sexual intercourse with a person. 2. The person was under the age of 12 years at the time of the sexual intercourse.
	1 st Degree SA of Child: Sexual contact with person <13	948.02(1)(e)	2102E	<ol style="list-style-type: none"> 1. The defendant had (sexual contact) (sexual intercourse) with another person. 2. The other person was under the age of 13 at the time of the (sexual contact) (sexual intercourse).
	2 nd Degree SA of Child: Sexual Contact or Intercourse with person <16	948.02(2)	2104	<ol style="list-style-type: none"> 1. The defendant had (sexual contact) (sexual intercourse) with a person. 2. The person was under the age of 16 years at the time of the (sexual contact) (sexual intercourse).
	Physical Abuse of a Child – Intentionally Cause Bodily Harm	948.03(2)(b)	2109	<ol style="list-style-type: none"> 1. The defendant caused bodily harm to a person. 2. The defendant intentionally caused the harm. 3. The victim had not yet attained the age of 18 years at the time of the alleged offense.

Elements of Criminal Offenses

Physical Abuse of a Child – Recklessly Cause Bodily Harm	948.03(3)(b)	2112	<ol style="list-style-type: none"> 1. The defendant caused bodily harm to a person. 2. The defendant recklessly caused bodily harm. 3. The victim had not yet attained the age of 18 years at the time of the alleged offense.
Causing Mental Harm	948.04(1)	2116	<ol style="list-style-type: none"> 1. The defendant was exercising temporary or permanent control of a child. 2. The child suffered mental harm. 3. The defendant caused mental harm to the child. 4. The defendant caused mental harm by conduct which demonstrated substantial disregard for the mental well-being of the child. 5. The child had not yet attained the age of 18 years at the time the alleged harm was caused.
Child Enticement – With Intent to have Sexual Contact or Intercourse	948.07(1)	2134	<ol style="list-style-type: none"> 1. The defendant (caused) (attempted to cause) a person to go into a (vehicle) (building) (room) (secluded place). 2. The defendant caused the person to go into a (vehicle) (building) (room) (secluded place) with intent to have sexual contact or sexual intercourse with the person in violation of § 948.02, 948.085, or 948.095. 3. The person was under the age of 18 years.
Using Computer to Facilitate Child Sex Crime	948.075(1r)	2135	<ol style="list-style-type: none"> 1. The defendant used a computerized communication system to communicate with an individual. 2. The defendant believed or had reason to believe that the individual was under the age of 16 years. 3. The defendant used a computerized communication system to communicate with the individual with intent to have sexual (contact) (intercourse) with the individual. 4. The defendant did an act, in addition to using a computerized communication system, to carry out the intent to have sexual (contact) (intercourse). 5. At the time of the communication, the defendant did not reasonably believe that the age of the individual to whom the communication was sent was no more than 24 months less than the age of the defendant.
Sexual Intercourse with a Child	948.09	2138	<ol style="list-style-type: none"> 1. The defendant had sexual intercourse with a child. 2. The child had attained the age of 16 years but had not yet attained the age of 18 years at the time of the alleged sexual intercourse. 3. Defendant had attained the age of 19 years at the time of the alleged sexual intercourse. 4. The child was not the defendant’s spouse at the time of the alleged sexual intercourse.
Possession of Child Pornography	948.12(1m)	2146A	<ol style="list-style-type: none"> 1. The defendant knowingly (possessed a recording) (accessed a recording with intent to view it). 2. The recording showed a child engaged in sexually explicit conduct. 3. The defendant knew or reasonably should have known that the recording contained depictions of a person engaged in actual or simulated sexually explicit conduct. 4. The defendant knew or reasonably should have known that the person (shown in the recording) (depicted in the material) engaged in sexually explicit conduct was under the age of 18 years.

Elements of Criminal Offenses

	Neglecting a Child – Misdemeanor	948.21	2150	<ol style="list-style-type: none"> 1. The child was under the age of 18 years. 2. The defendant was a person responsible for the welfare of the child. 3. The defendant, through action or failure to take action, and reasons other than poverty, failed to provide any of the following: <ol style="list-style-type: none"> a. Necessary care b. Necessary food c. Necessary clothing d. Necessary medical care e. Necessary shelter f. Education in compliance with §118.15 g. Protection from exposure to the distribution or manufacture of controlled substances, as defined in §961.01(4m), or to drug abuse, as defined in 46.973(1)(b). 4. The failure to provide seriously endangered the physical, mental, or emotional health of the child. 5. The failure to provide was negligent. 6. The natural and probable consequences of the neglect would be that the child would (suffer death) (suffer great bodily harm) (become victim of a child sex offense) (suffer emotional damage) (suffer bodily harm), although the harm did not actually occur.
	Neglecting a Child – Felony (Actual Harm)	948.21	2150	<ol style="list-style-type: none"> 1. The child was under the age of 18 years. 2. The defendant was a person responsible for the welfare of the child. 3. The defendant, through action or failure to take action, and reasons other than poverty, failed to provide any of the following: <ol style="list-style-type: none"> a. Necessary care b. Necessary food c. Necessary clothing d. Necessary medical care e. Necessary shelter f. Education in compliance with §118.15 g. Protection from exposure to the distribution or manufacture of controlled substances, as defined in §961.01(4m), or to drug abuse, as defined in 46.973(1)(b). 4. The failure to provide seriously endangered the physical, mental, or emotional health of the child. 5. The failure to provide was negligent. 6. As a consequence of the neglect, the child <ol style="list-style-type: none"> a. suffered death b. Suffered great bodily harm c. Became a victim of a child sex offense d. Suffered emotional damage e. Suffered bodily harm

Elements of Criminal Offenses

	Neglecting a Child – Felony (No Harm, Special Facts)	948.21	2150	<ol style="list-style-type: none"> 1. The child was under the age of 18 years. 2. The defendant was a person responsible for the welfare of the child. 3. The defendant, through action or failure to take action, and reasons other than poverty, failed to provide any of the following: <ol style="list-style-type: none"> a. Necessary care b. Necessary food c. Necessary clothing d. Necessary medical care e. Necessary shelter f. Education in compliance with §118.15 g. Protection from exposure to the distribution or manufacture of controlled substances, as defined in §961.01(4m), or to drug abuse, as defined in 46.973(1)(b). 4. The failure to provide seriously endangered the physical, mental, or emotional health of the child. 5. The failure to provide was negligent. 6. The child had a physical, cognitive, or developmental disability that was known or should have been known by the defendant and the natural and probable consequences of the neglect would be that the child would (suffer death) (suffer great bodily harm) (become victim of a child sex offense) (suffer emotional damage) (suffer bodily harm), although the harm did not actually occur.
	Contribute to Delinquency of Child	948.40(1)	2170	<ol style="list-style-type: none"> 1. The child was under the age of 18 years. 2. The defendant intentionally encouraged or contributed to the delinquency of the child.

VEHICLE CODE –Ch. 343 to 347

Initials	Charge	Statute	JI	Elements
	Operating Without a Valid License	343.05(3)(a)	2610	<ol style="list-style-type: none"> 1. The defendant operated a motor vehicle upon a highway. 2. The defendant did not hold a valid operator’s license at the time the defendant operated a motor vehicle. 3. This is the defendant’s second offense within 3 years.
	OAR – Revocation from OWI **Applies to offenses committed on or after December 10, 2017	343.44(1)(b)	2620A	<ol style="list-style-type: none"> 1. The defendant operated a motor vehicle on a highway. 2. The defendant’s operating privilege was duly revoked at the time the defendant operated the motor vehicle. 3. The revocation resulted from an offense that may be counted under § 343.307(2).
	OAR – Revocation from OWI **Applies to offenses committed after January 1, 2010 and before December 10, 2017	343.44(1)(b)	2621	<ol style="list-style-type: none"> 1. The defendant operated a motor vehicle on a highway. 2. The defendant’s operating privilege was duly revoked at the time the defendant operated a motor vehicle. 3. The defendant knew his or her operating privileges had been revoked. 4. The revocation resulted from an offense that may be counted under § 343.307(2).

Elements of Criminal Offenses

	Fleeing / Eluding Officer	346.04(3)	2630	<ol style="list-style-type: none"> 1. The defendant operated a motor vehicle on a highway after receiving a (visual) (audible) signal from a (traffic officer) (marked police vehicle). 2. The defendant knowingly (fled) (attempted to elude) a traffic officer: <ol style="list-style-type: none"> a. By willful disregard of the visual or audible signal so as to [(interfere with) (endanger)] [(the operation of the police vehicle) (the traffic officer) (other vehicles) (pedestrians)]. b. By increasing speed of the vehicle (in an attempt to elude) (to flee). c. By extinguishing the lights of the vehicle (in an attempt to elude) (to flee).
	Resisting Officer by Failing to Stop	346.04(2t)	2632	<ol style="list-style-type: none"> 1. The defendant operated a motor vehicle on a highway. 2. The defendant received a visual or audible signal to stop his or her vehicle from a (traffic officer) (marked police vehicle) (unmarked police vehicle that the defendant knew or reasonably should have known was being operated by a law enforcement officer). 3. The defendant knowingly resisted the traffic officer by failing to stop his or her vehicle as promptly as safety reasonably permits.
	Operating while under Influence of Intoxicant	346.63(1)(a)	2663	<ol style="list-style-type: none"> 1. The defendant (drove) (operated) a motor vehicle on a highway. 2. The defendant was under the influence of an intoxicant at the time the defendant (drove) (operated) a motor vehicle. 3. The number of convictions under ss. <u>940.09 (1)</u> and <u>940.25</u> in the defendant's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. <u>343.307 (1)</u>, equals <ol style="list-style-type: none"> a. 2 or 3 (misdemeanor) b. 4 or more (felony)
	Operating with PAC	346.63(1)(b)	2660	<ol style="list-style-type: none"> 1. The defendant (drove) (operated) a motor vehicle on a highway. 2. The defendant had a prohibited alcohol concentration at the time the defendant (drove) (operated) a motor vehicle. 3. The number of convictions under ss. <u>940.09 (1)</u> and <u>940.25</u> in the defendant's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. <u>343.307 (1)</u>, equals <ol style="list-style-type: none"> a. 2 or 3 (misdemeanor) b. 4 or more (felony)
	Operating with RCS	346.63(1)(am)	2664B	<ol style="list-style-type: none"> 1. The defendant (drove) (operated) a motor vehicle on a highway. 2. The defendant had a detectable amount of a restricted controlled substance in his or her blood at the time the defendant (drove) (operated) the motor vehicle. 3. The number of convictions under ss. <u>940.09 (1)</u> and <u>940.25</u> in the defendant's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. <u>343.307 (1)</u>, equals <ol style="list-style-type: none"> a. 2 or 3 (misdemeanor) b. 4 or more (felony)

Elements of Criminal Offenses

	Operating with Under the influence / with PAC / with RCS – Causing Injury	346.63(2)(a)1 346.63(2)(a)2 346.63(2)(a)3	2665 2661	<ol style="list-style-type: none"> 1. The defendant operated a motor vehicle on a highway. 2. The defendant’s operation of a vehicle caused injury to another person. 3. The defendant (was under the influence of an intoxicant) (had a detectable amount of a restricted controlled substance in his or her blood) (had a prohibited alcohol concentration) at the time the defendant operated a vehicle.
	OWI / PAC / RCS with passenger under 16	346.63(1)(a)	2663D	<ol style="list-style-type: none"> 1. The defendant (drove) (operated) a motor vehicle on a highway. 2. The defendant (was under the influence of an intoxicant) (had a detectable amount of a restricted controlled substance in his or her blood) (had a prohibited alcohol concentration) at the time the defendant operated a vehicle. 3. There was a minor passenger under 16 years of age in the vehicle.

Elements of Criminal Offenses

	Hit and Run	346.67	2670	<ol style="list-style-type: none"> 1. The defendant operated a vehicle involved in an accident on a highway. 2. The defendant knew that the vehicle he or she operated was involved in an accident on a highway. 3. The defendant violated a duty after being involved in an accident. <ol style="list-style-type: none"> a. Defendant failed to reasonably investigate what was struck. OR b. Defendant failed to stop and provide information and render aid. <ol style="list-style-type: none"> i. Defendant knew or had reason to know that the vehicle he or she was operating was involved in an accident involving a (person) (attended vehicle) and that the accident resulted in (injury to a person) (death to a person) (damage to a vehicle driven or attended by a person; and, ii. Defendant did not immediately stop his or her vehicle as close to the scene of the accident as possible and remain at the scene until he or she had done all of the following: <ol style="list-style-type: none"> 1. Gave his or her name, address, and registration number of the vehicle he or she was driving to (the person struck) (the operator or occupant of or person attending any vehicle collided with); and 2. If it was requested and available, exhibited his or her operator license to (the person struck) (the operator or occupant of or person attending any vehicle collided with); and 3. Rendered reasonable assistance to any person injured in the accident including transporting or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or is requested by the injured person. 4. The defendant was physically capable of complying with these requirements.
	Failure to Install IID	347.413	2682B	<ol style="list-style-type: none"> 1. The defendant was subject to a court order under § 343.301 requiring the installation of an ignition interlock device on a motor vehicle. 2. The defendant failed to install the ignition interlock device as ordered. 3. The motor vehicle (was operated on) (occupied) a highway.

Elements of Criminal Offenses

CONTROLLED SUBSTANCES – Ch. 961 and 450

Initials	Charge	Statute	JI	Elements
	Delivery of Controlled Substance / Analog	961.41(1)	6020; 6020A	<ol style="list-style-type: none"> 1. The defendant delivered a substance. 2. The substance was a (controlled substance) (controlled substance analog). 3. The defendant knew or believed that the substance was a (controlled substance) (controlled substance analog).
	Manufacture of Controlled Substance / Analog	961.41(1)	6021; 6005	<ol style="list-style-type: none"> 1. The defendant manufactured a substance. 2. The substance was a (controlled substance) (controlled substance analog). 3. The defendant knew or believed that the substance was a (controlled substance) (controlled substance analog).
	Possession of Controlled Substance	961.41(3g)am 961.41(3g)(b) 961.41(3g)(c) 961.41(3g)(d) 961.41(3g)(e) 961.41(3g)(e m) 961.41(3g)(g)	6030; 6005	<ol style="list-style-type: none"> 1. The defendant possessed a substance. 2. The substance was a (controlled substance) (controlled substance analog). 3. The defendant knew or believed that the substance was a (controlled substance) (controlled substance analog).
	Possession with Intent to Deliver	961.41(1m)	6035; 6005	<ol style="list-style-type: none"> 1. The defendant possessed a substance. 2. The substance was a (controlled substance) (controlled substance analog). 3. The defendant knew or believed that the substance was a (controlled substance) (controlled substance analog). 4. The defendant intended to deliver the (controlled substance) (controlled substance analog).
	Keeping / Maintaining a Drug House – for use of controlled substance	961.42(1)	6037A	<ol style="list-style-type: none"> 1. The defendant (kept) (maintained) a (structure) (place). 2. The (structure) (place) was resorted to by persons using controlled substances in violation of Chapter 961 for the purpose of using controlled substances. 3. The defendant kept such a place knowingly.
	Keeping / Maintaining a Drug House – for keeping / delivering controlled substances	961.42(1)	6037B	<ol style="list-style-type: none"> 1. The defendant kept or maintained a (structure) (place). 2. The (structure) (place) was used for (manufacturing) (keeping) (delivering) a controlled substance. 3. The defendant kept such a place knowingly.
	Obtain Controlled Substance by Fraud	961.43(1)(a)	6038	<ol style="list-style-type: none"> 1. The defendant obtained possession of a substance. 2. The substance was a controlled substance. 3. The defendant believed that the substance was a controlled substance. 4. The defendant obtained possession of the substance by misrepresentation made with the intent to deceive another and with intent to induce that person to rely and act thereon. 5. A person was deceived by the misrepresentation.
	Possession of Drug Paraphernalia	961.573	6050	<ol style="list-style-type: none"> 1. The defendant possessed an item. 2. The item in question was drug paraphernalia. 3. The defendant possessed drug paraphernalia with the primary intent to use it to ingest, inhale, or otherwise introduce into the human body a controlled substance.
	Obtain Prescription Drug by Fraud	450.11(7)(a)	6100	<ol style="list-style-type: none"> 1. The defendant obtained a prescription drug. 2. The defendant knew or believed that the substance was a prescription drug. 3. The defendant obtained the prescription drug by a willful misrepresentation.

Elements of Criminal Offenses

	Possession of Prescription Drug without a Valid Prescription	450.11(7)(h)	6112	<ol style="list-style-type: none"> 1. The defendant possessed a prescription drug. 2. The defendant knew or believed that the substance was a prescription drug. 3. The prescription drug was not dispensed to the defendant upon a prescription order issued by a practitioner.
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Modifiers

<u>Initials</u>	<u>Charge</u>	<u>Statute</u>	<u>Jl</u>	<u>Elements</u>
	Party to a Crime – Aiding and Abetting	939.05	405	<ol style="list-style-type: none"> 1. The defendant knew that another person was committing or intended to commit a crime. 2. The defendant knowingly (assisted the person who committed the crime) (was ready and willing to assist and the person who committed the crime knew of the defendant’s willingness to assist).
	Party to a Crime – Member of a Conspiracy	939.05	410	<ol style="list-style-type: none"> 1. The defendant intended that a crime be committed. 2. The defendant agreed with or joined with another person for the purpose of committing that crime.
	Attempt	939.32	580	<ol style="list-style-type: none"> 1. The defendant intended to commit a crime. 2. The defendant did acts toward the commission of the intended crime which demonstrate unequivocally, under all of the circumstances, that the defendant intended to and would have committed the intended crime except for the intervention of another person or some other extraneous factor.