

STATE'S PROPOSED MODIFICATION OF WIS JI-CRIMINAL
MOTIVE

MAR 7 5 2007

(modifications underlined)

CLERK OF CIRCUIT COURT

Intent should not be confused with motive. While proof of intent is necessary to a conviction, proof of motive is not.

“Motive” refers to a person’s reason for doing something. While motive may be shown as a circumstance to aid in establishing the guilt of a defendant, the State is not required to prove motive on the part of a defendant in order to support a conviction. Evidence of motive does not by itself establish a defendant’s guilt and the lack of evidence of a motive does not by itself necessarily establish innocence or a reasonable doubt. You should give evidence of motive, or the lack of evidence thereof, the weight you believe it deserves under all of the circumstances.

Authority:

State v. Berby, 81 Wis. 2d 677, 686-87, 260 N.W.2d 798, 803 (1978).

State v. Phillips, 99 Wis. 2d 46, 54, 298 N.W.2d 239, 243 (Ct. App. 1980).

Kelly v. State, 75 Wis. 2d 303, 320, 249 N.W.2d 800 (1977)

State v. Janasky, 258 Wis. 182, 183, 45 N.W.2d 78 (1950), citing with approval 1 Wharton, *Criminal Evidence*, (11th ed.), p.288, sec. 246.