**T.P.I. – CRIM. 6.04(a)**

**VEHICULAR *[ASSAULT] [HOMICIDE]*:**

**SUPPLEMENTAL INSTRUCTION NUMBER ONE**

Members of the Jury, you have determined that the defendant is guilty of vehicular *[assault] [homicide]* as charged in Count \_\_\_\_\_\_\_\_ of the indictment.

It will now be your duty to determine whether or not the defendant has previously been convicted of *[driving while under the influence] [vehicular assault] [vehicular homicide as a result of intoxication] [aggravated vehicular homicide] [***only for offenses committed on or after 7/1/21***: boating under the influence]*.

Any record of prior conviction[s] of the defendant is evidence which you may consider. A judgment of conviction of any person under the same name as that of the defendant may create an inference that the identity of such person is the same as the defendant. However, the jury is not required to make this inference. It is the exclusive province of the jury to determine whether the facts and circumstances shown by all the evidence in the case warrant the inference which the law permits the jury to draw.

If you find beyond a reasonable doubt that the defendant has a prior conviction *[or convictions]*, then your verdict will be:

We, the jury, unanimously find the defendant has a prior conviction [or convictions] as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. If, however, you find that the defendant does not have a prior conviction, or if you have a reasonable doubt thereof, then your verdict will be:

"We, the jury, find the defendant not guilty of Count \_\_\_\_\_\_\_."

You will take with you the indictment and the Court's previous written instructions. You should follow such previous instructions as to the law of consideration of evidence, deliberations, reasonable doubt, witnesses and any other relevant matters.

You may now retire to consider your verdict.