

LESSER INCLUDED OFFENSES¹

The law requires that the Court instruct the jury with respect to possible (lesser) included offenses, even if they are not contained in the indictment. Just because the Court is instructing you concerning these offenses does not mean that the Court has any opinion one way or another about whether the defendant committed these, or any, offenses. You should consider these offenses along with those for which the defendant is indicted. However, you are not to render a verdict on these offenses or answer the questions on the verdict sheet unless you find that the State has failed to meet its burden with regard to the offense(s) in the indictment.

¹ **NOTE:**

1. This charge should not be used in homicide cases.
2. This charge should not be used in cases where the lesser-included offenses are contained in the statute; e.g., robbery and robbery while armed.