

VERDICT FORMS

In the 1999 edition of the MCJI, the Commission noted that detailed or specific verdict forms for this manual were probably not helpful since they were often case-specific and the subject of argument by the litigants.

In this publication, the Commission has also chosen to avoid particular format examples for the same reason. There are, however, suggested forms for enhancement situations, and lesser included offenses. As noted in the prior edition to this publication, all verdict forms should make clear that if alternative charges are involved, the defendant can only be convicted of one of the offenses. Also, see the problems occasioned by the verdicts in *State v. Scarborough*, 2002 MT 301, 302 Mont. 350, 14 P.3d 1202 and *Demontiney v. Twelfth Judicial District, et al.*, 2002 MT 161, 310 Mont. 406, 51 P.3d 476. In these cases the jury found the defendant not guilty of the greater, but guilty of the lesser offense. The Court determined that this was unacceptable.

The Commission recommends that the general verdict form be designed so that the jury is required to write out its verdict rather than simply entering a check mark next to the selected verdict. For example, in a case involving one charge with no alternative or lesser included offenses, the form would state:

We the jury, duly impaneled and sworn to try the issues in the above-entitled cause, enter the following unanimous verdict:

To the charge of _____,

(Write on the above line “guilty” or “not guilty”)

Dated _____

FOREPERSON

[ENHANCEMENT VERDICT]

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

STATE OF MONTANA,)

_____) Cause No.

Plaintiff,)

vs.) **VERDICT**

_____)

Defendant.)

We the jury, duly empaneled and sworn to try the issues in the above-entitled cause, enter the following unanimous verdict:

To the charge of _____:

(Write on the above line "guilty" or "not guilty")

[Answer the following only if you have found the Defendant guilty of the above offense[s]]

To the allegation that in committing the above offense, the Defendant
[here insert appropriate enhancement language], we unanimously find, by
proof beyond a reasonable doubt, that the Defendant:

(Write on the above line "did" or "did not"

[here insert appropriate enhancement language].

Dated this _____ day of _____, 200_.

FOREPERSON

[Proposed Enhancement Verdict]

Source: MCA § 46-1-401 (2001)

Comment: This verdict form should be used in conjunction with the enhancement instruction, MCJI 1-401. Note the comments to that instruction and cases relative thereto.

[LESSER INCLUDED OFFENSE VERDICT]

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

STATE OF MONTANA,)

_____))
Plaintiff,)

Cause No.

vs.)

VERDICT

_____))
Defendant.)

We the jury, duly empanelled and sworn to try the issues in the above-entitled cause, enter the following unanimous verdict: **[NOTE: Pursuant to the Court’s instructions, enter your verdict to one, but not more than one, of the offenses listed below]**

To the charge of _____,

_____ Guilty

_____ Not Guilty

OR

To the lesser included offense of _____,

_____ Guilty

_____ Not Guilty

Dated this ____ day of _____, 200_.

FOREPERSON

[LESSER INCLUDED OFFENSE VERDICT - MULTIPLE OFFENSES]

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

STATE OF MONTANA,)

_____,) Cause No. _____

Plaintiff,)

vs.) **VERDICT**

_____,)

Defendant.)

We the jury, duly empanelled and sworn to try the issues in the above-entitled cause, enter the following unanimous verdict: *[NOTE: Pursuant to the Court's instructions, enter your verdict to one, but not more than one, of the offenses listed below]*

To the charge of _____,

_____ Guilty _____ Not Guilty

OR

To the lesser included offense of _____,

_____ Guilty _____ Not Guilty

OR

To the lesser included offense of _____

_____ Guilty _____ Not Guilty

Dated this ____ day of _____, 200_.

FOREPERSON

