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Lesser Included Offense

In some cases the law which a Defendant is charged with breaking actually covers two separate crimes - - one is more serious than the second, and the second is generally called a "lesser included offense."

So, in this case, with regard to the offense charged in Count, if you should find the Defendant "not guilty" of that crime as defined in these instructions, you should then proceed to decide whether the Defendant is guilty or not guilty of the lesser included offense of [give generic description of the lesser offense]. [The lesser included offense would consist of proof beyond a reasonable doubt of all of the facts, as defined above, except .]

A Lesser Offense

Yijin Wang



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