

CR 425.33 Verdict [Rev. 11/5/22]

1. You will have with you in the jury room the following verdict form(s): (*read and explain the verdict forms that will be submitted to the jury*).
2. When you have reached a verdict, you will complete the form(s) that correspond(s) to your decision and sign the verdict form(s) in ink.

COMMENT

The number of jurors required to return a verdict appears in the closing remarks. OJI-CR 425.43.

Use of a simple verdict form shown below creates no inference in its presentation and eliminates the use of more than one form of verdict.

(A) SINGLE VERDICT FORM.

We, the jury, find the defendant, (*insert name of the defendant*), (*) _____
of (*insert name of the offense*).

(*) Insert in ink: "guilty" or "not guilty"

COMMENT

When the presence of one or more additional elements makes the offense one of a more serious degree, the verdict must either state the degree of the offense or contain a finding that an aggravating element exists to justify convicting the defendant of a greater degree of the criminal offense. In the absence of such a finding, a simple verdict of guilty is of the least degree of the offense charged. *See State v. Pelfrey*, 112 Ohio St.3d 422, 2007-Ohio-256; R.C. 2945.75(A)(2).

(B) LESSER INCLUDED OFFENSE.

(1) GREATER OFFENSE. We, the jury, find the defendant, (*insert name of the defendant*), (*) _____ of (*insert name of the offense*).

(*) Insert in ink: "guilty" or "not guilty"

(2) LESSER INCLUDED OFFENSE. We, the jury, find the defendant, (*insert name of the defendant*), (*) _____ of (*insert name of lesser included offense*), a lesser included offense of (*insert name of greater offense*).

(*) Insert in ink: "guilty" or "not guilty."

COMMENT

See OJI-CR 425.09 and OJI-CR 425.11 for charges on lesser included offenses.

(C) INFERIOR DEGREE OFFENSE. You may not sign more than one verdict form on this Count.

(1) GREATER OFFENSE.

(a) We, the jury, find the defendant, (*insert name of the defendant*), guilty of (aggravated murder) (murder) (felonious assault).

(b) We, the jury, find the defendant, (*insert name of the defendant*), not guilty of (aggravated murder) (murder) (felonious assault).

(2) INFERIOR DEGREE OFFENSE. We, the jury, find the defendant, (*insert name of the defendant*), guilty of the inferior degree offense of (voluntary manslaughter) (aggravated assault).

COMMENT

See instruction on inferior degree offense in OJI-CR 503.01, OJI-CR 503.02, and OJI-CR 503.11(A).

The Committee recommends that the judge read the appropriate verdict form with each alternative to the jury and instruct the jury that it may not sign more than one verdict form on this Count.