

N.C.P.I.-Crim. 150.11
DEATH PENALTY-PEREMPTORY INSTRUCTION-STATUTORY MITIGATING
CIRCUMSTANCE(S).
GENERAL CRIMINAL VOLUME
OCTOBER 1991

150.11 DEATH PENALTY - PEREMPTORY INSTRUCTION - STATUTORY
MITIGATING CIRCUMSTANCE(S).

NOTE WELL: This instruction is to be read to the jury only where there is sufficient un rebutted evidence, as a matter of law, to establish the existence of (a) statutory mitigating circumstance(s).

The defendant has the burden of establishing this mitigating circumstance by the preponderance of the evidence, as I have explained to you.

Accordingly, as to this mitigating circumstance, I charge you that if one or more of you find the facts to be as all the evidence tends to show, you will answer "Yes" as to Mitigating Circumstance Number (*read number*) on the "Issues and Recommendation" form.