

Ala. Code 1975, § 13A-6-2(a)(4)

Murder
(Arson)

The defendant is charged with murder.

A person commits the crime of murder if he/she commits the crime of arson and a qualified governmental or volunteer firefighter or other public safety officer dies while performing his/her duty resulting from the arson.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant committed arson;
- (2) A person, **[insert name of deceased]**, is dead;
- (3) That person was a qualified governmental or volunteer firefighter or other public safety officer, **[describe]; (AND)**
- (4) That person died while performing his/her duty resulting from the arson.

[Read instructions for arson in the appropriate degree.]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of murder, then you shall find the defendant guilty of murder.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of murder, then you cannot find the defendant guilty of murder.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

[Approved 10-14-15.]