

Ala. Code 1975, § 13A-2-6

MISTAKE

To convict, the State, in addition to the elements of the crime charged, must prove beyond a reasonable doubt that at the time of the commission of the alleged crime, the defendant was not acting under a mistaken belief:

- (1) of fact which negates the culpable mental state required for the commission of the crime; **(OR)**
- (2) of fact which supports a defense of justification, such as **[state appropriate example of justification defense]**; **(OR)**
- (3) founded upon an official statement of the law:
 - a) contained in a statute; **(OR)**
 - b) contained in the latest judicial decision of the highest state or federal court which decided the matter, that such conduct, as a matter of law, did not constitute a crime; **(OR)**
- (4) of law, which is relevant to disprove the specific state of mental culpability required by the statute under which he/she is being prosecuted. The defendant's mistaken belief of law must be other than as to the existence or meaning of the statute under which he/she is being prosecuted.

[Adopted 09-19-14.]