

Ala. Code 1975, § 13A-7-25(a)(2)

Criminal Tampering I
(Threatens)

The defendant is charged with criminal tampering in the first degree.

A person commits the crime of criminal tampering in the first degree if he/she threatens an individual with a deadly weapon or a dangerous instrument with the intent to obstruct the operation of a utility.

To convict, the State must prove beyond a reasonable doubt each of the following elements of criminal tampering in the first degree:

- (1) The defendant threatened an individual (**describe**) with a deadly weapon or a dangerous instrument (**describe**) with the intent to obstruct the operation of a utility (**describe**), by (**describe nature of act committed**); and
- (2) The individual was working under the procedures and within the scope of his/her duties as an employee of the utility and had properly identified himself/herself when asked by stating his/her name, employer, and purpose of work.

A person acts **intentionally** with respect to a result or to conduct when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2]

A “*utility*” is an enterprise which provides gas, electric, steam, water, sewage, transportation or communication services, cable and broadband services, and any institution that provides health and safety protection or other public services. It may be either publicly or privately owned. [13A-7-24(3)]

A “*deadly weapon*” is a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury. The term includes, but is not limited to, a pistol, rifle or shotgun; switch-blade knife, gravity knife, stiletto, sword or dagger; or any billy, black-jack, bludgeon or metal knuckles. [13A-1-2(7)]

A “*dangerous instrument*” is an instrument, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is highly capable of causing death or serious physical injury. The term includes a “vehicle,” as that term is defined in 13A-1-2(15). [13A-1-2(5)] [**Define “vehicle” if appropriate**].

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of the offense of criminal tampering in the first degree, then you shall find the defendant guilty of criminal tampering in the first degree.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense of criminal tampering in the first degree, then you cannot find the defendant guilty of criminal tampering in the first degree.

[Adopted 09-19-14.]