

1 ~~[14-7030. Death penalty sentencing proceeding; weighing the aggravating circumstances~~
2 ~~against the mitigating circumstances.]¹~~

3 ~~—— If you unanimously find [any of the aggravating circumstances that were charged]² [an~~
4 ~~aggravating circumstance that was charged], you must weigh [that aggravating circumstance]²~~
5 ~~[those aggravating circumstances] against any mitigating circumstances, you as an individual~~
6 ~~member of the jury, may have found in this case. After considering the aggravating [circumstance]²~~
7 ~~[circumstances] and the mitigating circumstances weighing them against each other and~~
8 ~~considering both the defendant and the crime, you shall each determine whether the defendant~~
9 ~~should be sentenced to death or life imprisonment. Only if the aggravating [circumstance]²~~
10 ~~[circumstances] outweigh the mitigating circumstances may the death penalty be imposed.~~

11 ~~—— However, even if the aggravating [circumstance outweighs]² [circumstances outweigh] the~~
12 ~~mitigating circumstances, you may still decide not to impose the death penalty.~~

13 ~~—— If you decide not to impose the death penalty or if you do not reach a unanimous decision,~~
14 ~~a sentence of life imprisonment is imposed.~~

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USE NOTES

17 ~~—— 1.—— This instruction must be given in every death penalty sentencing proceeding.~~

18 ~~—— 2.—— Use applicable alternative.~~

19 ~~—— 3.—— The bracketed language may be given in appropriate cases upon request of the~~
20 ~~defendant.~~

21 ~~[As amended, effective August 1, 2001; withdrawn by Supreme Court Order No. 21-8300-008.]~~