

STRAFFORD, SS

SUPERIOR COURT
DOCKET NO. 219-2022-CR-00068

THE STATE OF NEW HAMPSHIRE

v.

MAURICIO GUERRERO

JURY INSTRUCTION # 3 – Jury unanimity/verdict form

NOW COMES, the Defendant, Mauricio Guerrero, by and through his Attorney, Harry N. Starbranch, who respectfully submits the following verdict form.

1. When considering whether the state has proven the elements of the offense, you must consider each indictment separately. Your verdict must be unanimous.
2. The indictments charging the offense of burglary charge alternative theories. As I have already instructed you, Burglary is the unprivileged entry into an occupied structure with the purpose to commit a crime therein. The Defendant must have formed the criminal intent to commit one of the crimes in the indictment before he enters the occupied structure.
3. In this case, the State has alleged that at the time of the unprivileged entry, the Defendant had the intent to commit the crime of theft, **and/or** the crime of invasion of privacy. Since your verdict must be unanimous, you must all agree on which crime the defendant had the conscience object to commit when he entered the occupied structure **if** he had the intent to commit any crime at all.
4. If your find the Defendant's entry into the occupied structure was not licensed or it was unprivileged, but you cannot agree that his conscience object, or intent, was to commit one of the crimes in the indictment before entry, **or** if you cannot

agree unanimously which crime he intended to commit if any before he actually enters, you must find the Defendant not guilty of burglary.

5. Please use the following verdict form;

We the members of the Jury unanimously find that the Defendant entered the occupied structure reflected in the indictments;

_____ _____
Yes no

We the members of the Jury unanimously find beyond a reasonable doubt that prior to entering the occupied structure, the Defendant had the conscience object to commit the crime of theft.

_____ _____
Yes No

We the members of the Jury unanimously find beyond a reasonable doubt that prior to entering the occupied structure, the Defendant had the conscience object to commit the crime of invasion of privacy

_____ _____
Yes No

If you unanimously agree that any of the answers is no, you must find the Defendant not guilty of Burglary and should then move on to consider the lesser included offense of "Criminal Trespass" and consider the Informations charging invasion of privacy.

Respectfully submitted,
Mauricio Guerrero,
By and Through his Attorney,
Harry N. Starbranch

Dated: May 12, 2023

/s/ Harry Starbranch
Harry N. Starbranch
NH Bar No. 6991
171 Middle Street
Portsmouth, NH 03801
(603) 436-5566

CERTIFICATE OF SERVICE

I, Harry N. Starbranch, Jr., Esq., hereby certify that a true copy of the foregoing **jury instruction #3 verdict form** has this date been served through ECF: Emily Garod, Esq., Strafford County Attorney's Office.

Dated: May 12, 2023

By: /s/ Harry Starbranch
Harry N. Starbranch, Jr., Esq.