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E.M. RIMANDB
CLERK, APPELLATE COURTS
STATE OF HAWAII

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Publication and Distribution
of the

Hawai'i Pattern Jury Instructions - Criminal

ORDER APPROVING PUBLICATION AND DISTRIBUTION
OF HAWAII PATTERN JURY INSTRUCTIONS - CRIMINAL

(By: Moon, C.J., for the court¹)

Upon consideration of the Pattern Criminal Jury Instructions Standing Committee's request to publish and distribute the addition of Criminal Jury Instructions 10.54, 10.54A, 10.55, 10.55A, 10.56, 10.56A, 10.57, and 10.57A to the Hawai'i Pattern Jury Instructions - Criminal,

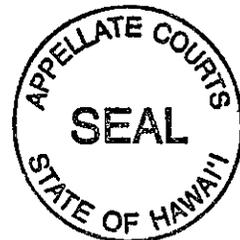
IT IS HEREBY ORDERED that the attached criminal jury instructions 10.54, 10.54A, 10.55, 10.55A, 10.56, 10.56A, 10.57, and 10.57A are approved for publication and distribution.

IT IS FURTHER ORDERED that this approval for publication and distribution is not and shall not be considered by this court or any other court to be an approval or judgment concerning the validity or correctness of the substance of any pattern instruction or notes.

DATED: Honolulu, Hawai'i, October 7, 2008.

FOR THE COURT:


Chief Justice



¹ Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

10.54

ARSON IN THE FIRST DEGREE --
DANGER OF DEATH OR BODILY INJURY:
H.R.S. § 708-8251(1) (a)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the First Degree.

A person commits the offense of Arson in the First Degree if
he/she intentionally or knowingly sets fire to or causes to be
burned property and knowingly places another person in danger of
death or bodily injury.

There are three material elements of the offense of Arson in
the First Degree, each of which the prosecution must prove beyond
a reasonable doubt.

These three elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property of another; and

2. That the Defendant did so intentionally or knowingly; and

3. That the Defendant knowingly placed another person in
danger of death or bodily injury by such conduct.

Notes

H.R.S. §§ 708-8251(1)(a), 702-206(1) and (2).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

For definition of terms defined by H.R.S. Chapter 708, see instruction:

10.00--"property"

For definition of terms not defined by H.R.S. Chapter 708, see instruction:

9.00--"bodily injury"

10.54

ARSON IN THE FIRST DEGREE --
DANGER OF DEATH OR BODILY INJURY:
H.R.S. § 708-8251(1) (a)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the First Degree.

A person commits the offense of Arson in the First Degree if
he/she intentionally or knowingly sets fire to or causes to be
burned property and knowingly places another person in danger of
death or bodily injury.

There are three material elements of the offense of Arson in
the First Degree, each of which the prosecution must prove beyond
a reasonable doubt.

These three elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property of another; and

2. That the Defendant did so intentionally or knowingly; and

3. That the Defendant knowingly placed another person in
danger of death or bodily injury by such conduct.

Notes

H.R.S. §§ 708-8251(1)(a), 702-206(1) and (2).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

For definition of terms defined by H.R.S. Chapter 708, see instruction:

10.00--"property"

For definition of terms not defined by H.R.S. Chapter 708, see instruction:

9.00--"bodily injury"

10.54A

ARSON IN THE FIRST DEGREE --
DAMAGE EXCEEDS \$20,000:
H.R.S. § 708-8251(1) (b)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the First Degree.

A person commits the offense of Arson in the First Degree if
he/she intentionally or knowingly sets fire to or causes to be
burned property and knowingly or recklessly damages the property
of another, without the other's consent, in an amount exceeding
\$20,000.

There are six material elements of the offense of Arson in
the First Degree, each of which the prosecution must prove beyond
a reasonable doubt.

These six elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property of another; and
2. That the Defendant did so intentionally or knowingly;
and
3. That the Defendant knowingly or recklessly damaged the

property of another by such conduct; and

4. That the Defendant did so without the consent of the other person; and

5. That the Defendant [was aware that the damage exceeded \$20,000] [consciously disregarded a substantial and unjustifiable risk that the damage exceeded \$20,000]; and

6. That the damage to the property exceeded \$20,000.

Notes

H.R.S. §§ 708-8251(1)(b), 702-206(1), (2), and (3).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.04--"recklessly"

For definition of terms defined by H.R.S. Chapter 708, see instructions:

10.00--"property"

10.00--"property of another"

For prima facie inference and defense regarding Defendant's state of mind as to the value of the property, see instruction 10.00A(2), which embodies the statutory language of H.R.S. § 708-801 (valuation of property). However, "HRS § 708-801, by its clear terms, applies only when 'the value of property or services is determinative of the class or grade of an offense.' . . . HRS § 708-822 does not, on its face, require a determination of the value of property; HRS § 708-822 refers to the amount of damage done by the offender, not the value of the property damaged." *State v. Pardee*, 86 Hawai'i 165, 168, 948 P.2d 586, 589 (App. 1997) (emphasis added). The Intermediate Court also found that even if H.R.S. § 708-801 was applicable to criminal property damage offenses, the value of the damaged items had been sufficiently proved.

10.54A (proposed 09/16/08)

10.54A

ARSON IN THE FIRST DEGREE --

DAMAGE EXCEEDS \$20,000:

H.R.S. § 708-8251(1) (b)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the First Degree.

A person commits the offense of Arson in the First Degree if
he/she intentionally or knowingly sets fire to or causes to be
burned property and knowingly or recklessly damages the property
of another, without the other's consent, in an amount exceeding
\$20,000.

There are six material elements of the offense of Arson in
the First Degree, each of which the prosecution must prove beyond
a reasonable doubt.

These six elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property of another; and
2. That the Defendant did so intentionally or knowingly;
and
3. That the Defendant knowingly or recklessly damaged the

property of another by such conduct; and

4. That the Defendant did so without the consent of the other person; and

5. That the Defendant [was aware that the damage exceeded \$20,000] [consciously disregarded a substantial and unjustifiable risk that the damage exceeded \$20,000]; and

6. That the damage to the property exceeded \$20,000.

Notes

H.R.S. §§ 708-8251(1)(b), 702-206(1), (2), and (3).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.04--"recklessly"

For definition of terms defined by H.R.S. Chapter 708, see instructions:

10.00--"property"

10.00--"property of another"

For prima facie inference and defense regarding Defendant's state of mind as to the value of the property, see instruction 10.00A(2), which embodies the statutory language of H.R.S. § 708-801 (valuation of property). However, "HRS § 708-801, by its clear terms, applies only when 'the value of property or services is determinative of the class or grade of an offense.' . . . HRS § 708-822 does not, on its face, require a determination of the value of property; HRS § 708-822 refers to the amount of damage done by the offender, not the value of the property damaged." *State v. Pardee*, 86 Hawai'i 165, 168, 948 P.2d 586, 589 (App. 1997) (emphasis added). The Intermediate Court also found that even if H.R.S. § 708-801 was applicable to criminal property damage offenses, the value of the damaged items had been sufficiently proved.

10.55

ARSON IN THE SECOND DEGREE --
DANGER OF DEATH OR BODILY INJURY:
H.R.S. § 708-8252(1)(a)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Second Degree.

A person commits the offense of Arson in the Second Degree
if he/she intentionally or knowingly sets fire to or causes to be
burned property and recklessly places another person in danger of
death or bodily injury.

There are three material elements of the offense of Arson in
the Second Degree, each of which the prosecution must prove
beyond a reasonable doubt.

These three elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property of another; and
2. That the Defendant did so intentionally or knowingly; and
3. That the Defendant recklessly placed another person in
danger of death or bodily injury by such conduct.

10.55 (proposed 09/16/08)

Notes

H.R.S. §§ 708-8252(1)(a), 702-206(1), (2), and (3).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.04--"recklessly"

For definition of terms defined by H.R.S. Chapter 708, see instruction:

10.00--"property"

For definition of terms not defined by H.R.S. Chapter 708, see instruction:

9.00--"bodily injury"

10.55

ARSON IN THE SECOND DEGREE --
DANGER OF DEATH OR BODILY INJURY:
H.R.S. § 708-8252(1)(a)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Second Degree.

A person commits the offense of Arson in the Second Degree
if he/she intentionally or knowingly sets fire to or causes to be
burned property and recklessly places another person in danger of
death or bodily injury.

There are three material elements of the offense of Arson in
the Second Degree, each of which the prosecution must prove
beyond a reasonable doubt.

These three elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property of another; and
2. That the Defendant did so intentionally or knowingly; and
3. That the Defendant recklessly placed another person in
danger of death or bodily injury by such conduct.

Notes

H.R.S. §§ 708-8252(1)(a), 702-206(1), (2), and (3).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.04--"recklessly"

For definition of terms defined by H.R.S. Chapter 708, see instruction:

10.00--"property"

For definition of terms not defined by H.R.S. Chapter 708, see instruction:

9.00--"bodily injury"

10.55A

ARSON IN THE SECOND DEGREE --
DAMAGE EXCEEDS \$1,500:
H.R.S. § 708-8252(1)(b)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Second Degree.

A person commits the offense of Arson in the Second Degree
if he/she intentionally or knowingly sets fire to or causes to be
burned property and knowingly or recklessly damages the property
of another, without the other's consent, in an amount exceeding
\$1,500.

There are six material elements of the offense of Arson in
the Second Degree, each of which the prosecution must prove
beyond a reasonable doubt.

These six elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property of another; and
2. That the Defendant did so intentionally or knowingly;
and
3. That the Defendant knowingly or recklessly damaged the

property of another by such conduct; and

4. That the Defendant did so without the consent of the other person; and

5. That the Defendant [was aware that the damage exceeded \$1,500] [consciously disregarded a substantial and unjustifiable risk that the damage exceeded \$1,500]; and

6. That the damage to the property exceeded \$1,500.

Notes

H.R.S. §§ 708-8252(1)(b), 702-206(1), (2), and (3).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.04--"recklessly"

For definition of terms defined by H.R.S. Chapter 708, see instructions:

10.00--"property"

10.00--"property of another"

For prima facie inference and defense regarding Defendant's state of mind as to the value of the property, see instruction 10.00A(2), which embodies the statutory language of H.R.S. § 708-801 (valuation of property). However, "HRS § 708-801, by its clear terms, applies only when 'the value of property or services is determinative of the class or grade of an offense.' . . . HRS § 708-822 does not, on its face, require a determination of the value of property; HRS § 708-822 refers to the *amount of damage* done by the offender, not the value of the property damaged." *State v. Pardee*, 86 Hawai'i 165, 168, 948 P.2d 586, 589 (App. 1997) (emphasis added). The Intermediate Court also found that even if H.R.S. § 708-801 was applicable to criminal property damage offenses, the value of the damaged items had been sufficiently proved.

10.55A

ARSON IN THE SECOND DEGREE --
DAMAGE EXCEEDS \$1,500:
H.R.S. § 708-8252(1)(b)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Second Degree.

A person commits the offense of Arson in the Second Degree
if he/she intentionally or knowingly sets fire to or causes to be
burned property and knowingly or recklessly damages the property
of another, without the other's consent, in an amount exceeding
\$1,500.

There are six material elements of the offense of Arson in
the Second Degree, each of which the prosecution must prove
beyond a reasonable doubt.

These six elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property of another; and

2. That the Defendant did so intentionally or knowingly;
and

3. That the Defendant knowingly or recklessly damaged the

property of another by such conduct; and

4. That the Defendant did so without the consent of the other person; and

5. That the Defendant [was aware that the damage exceeded \$1,500] [consciously disregarded a substantial and unjustifiable risk that the damage exceeded \$1,500]; and

6. That the damage to the property exceeded \$1,500.

Notes

H.R.S. §§ 708-8252(1)(b), 702-206(1), (2), and (3).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.04--"recklessly"

For definition of terms defined by H.R.S. Chapter 708, see instructions:

10.00--"property"

10.00--"property of another"

For prima facie inference and defense regarding Defendant's state of mind as to the value of the property, see instruction 10.00A(2), which embodies the statutory language of H.R.S. § 708-801 (valuation of property). However, "HRS § 708-801, by its clear terms, applies only when 'the value of property or services is determinative of the class or grade of an offense.' . . . HRS § 708-822 does not, on its face, require a determination of the value of property; HRS § 708-822 refers to the amount of damage done by the offender, not the value of the property damaged." *State v. Pardee*, 86 Hawai'i 165, 168, 948 P.2d 586, 589 (App. 1997) (emphasis added). The Intermediate Court also found that even if H.R.S. § 708-801 was applicable to criminal property damage offenses, the value of the damaged items had been sufficiently proved.

10.56

ARSON IN THE THIRD DEGREE --
DANGER OF DEATH OR BODILY INJURY:
H.R.S. § 708-8253(1)(a)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Third Degree.

A person commits the offense of Arson in the Third Degree if
he/she intentionally or knowingly sets fire to or causes to be
burned property and negligently places another person in danger
of death or bodily injury.

There are three material elements of the offense of Arson in
the Third Degree, each of which the prosecution must prove beyond
a reasonable doubt.

These three elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property of another; and
2. That the Defendant did so intentionally or knowingly; and
3. That the Defendant negligently placed another person in
danger of death or bodily injury by such conduct.

Notes

H.R.S. §§ 708-8253(1)(a), 702-206(1), (2), and (4).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.05--"negligently"

For definition of terms defined by H.R.S. Chapter 708, see instruction:

10.00--"property"

For definition of terms not defined by H.R.S. Chapter 708, see instruction:

9.00--"bodily injury"

10.56

ARSON IN THE THIRD DEGREE --
DANGER OF DEATH OR BODILY INJURY:
H.R.S. § 708-8253(1)(a)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Third Degree.

A person commits the offense of Arson in the Third Degree if
he/she intentionally or knowingly sets fire to or causes to be
burned property and negligently places another person in danger
of death or bodily injury.

There are three material elements of the offense of Arson in
the Third Degree, each of which the prosecution must prove beyond
a reasonable doubt.

These three elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property of another; and
2. That the Defendant did so intentionally or knowingly; and
3. That the Defendant negligently placed another person in
danger of death or bodily injury by such conduct.

Notes

H.R.S. §§ 708-8253(1)(a), 702-206(1), (2), and (4).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.05--"negligently"

For definition of terms defined by H.R.S. Chapter 708, see instruction:

10.00--"property"

For definition of terms not defined by H.R.S. Chapter 708, see instruction:

9.00--"bodily injury"

10.56A

ARSON IN THE THIRD DEGREE --
DAMAGE EXCEEDS \$500:
H.R.S. § 708-8253 (1) (b)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Third Degree.

A person commits the offense of Arson in the Third Degree if
he/she intentionally or knowingly sets fire to or causes to be
burned property and knowingly or recklessly damages the property
of another, without the other's consent, in an amount exceeding
\$500.

There are six material elements of the offense of Arson in
the Third Degree, each of which the prosecution must prove beyond
a reasonable doubt.

These six elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property; and
2. That the Defendant did so intentionally or knowingly; and
3. That the Defendant knowingly or recklessly damaged the
property of another by such conduct; and

4. That the Defendant did so without the consent of the other person; and

5. That the Defendant [was aware that the damage exceeded \$500] [consciously disregarded a substantial and unjustifiable risk that the damage exceeded \$500]; and

6. That the damage to the property exceeded \$500.

Notes

H.R.S. §§ 708-8253(1)(b), 702-206(1), (2), and (3).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.04--"recklessly"

For definition of terms defined by H.R.S. Chapter 708, see instructions:

10.00--"property"

10.00--"property of another"

For prima facie inference and defense regarding Defendant's state of mind as to the value of the property, see instruction 10.00A(2), which embodies the statutory language of H.R.S. § 708-801 (valuation of property). However, "HRS § 708-801, by its clear terms, applies only when 'the value of property or services is determinative of the class or grade of an offense.' . . . HRS § 708-822 does not, on its face, require a determination of the value of property; HRS § 708-822 refers to the *amount of damage* done by the offender, not the value of the property damaged." *State v. Pardee*, 86 Hawai'i 165, 168, 948 P.2d 586, 589 (App. 1997) (emphasis added). The Intermediate Court also found that even if H.R.S. § 708-801 was applicable to criminal property damage offenses, the value of the damaged items had been sufficiently proved.

10.56A

ARSON IN THE THIRD DEGREE --
DAMAGE EXCEEDS \$500:
H.R.S. § 708-8253(1)(b)

(Applicable to offenses occurring on or after June 9, 2006)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Third Degree.

A person commits the offense of Arson in the Third Degree if
he/she intentionally or knowingly sets fire to or causes to be
burned property and knowingly or recklessly damages the property
of another, without the other's consent, in an amount exceeding
\$500.

There are six material elements of the offense of Arson in
the Third Degree, each of which the prosecution must prove beyond
a reasonable doubt.

These six elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property; and

2. That the Defendant did so intentionally or knowingly; and

3. That the Defendant knowingly or recklessly damaged the
property of another by such conduct; and

4. That the Defendant did so without the consent of the other person; and

5. That the Defendant [was aware that the damage exceeded \$500] [consciously disregarded a substantial and unjustifiable risk that the damage exceeded \$500]; and

6. That the damage to the property exceeded \$500.

Notes

H.R.S. §§ 708-8253(1)(b), 702-206(1), (2), and (3).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.04--"recklessly"

For definition of terms defined by H.R.S. Chapter 708, see instructions:

10.00--"property"

10.00--"property of another"

For prima facie inference and defense regarding Defendant's state of mind as to the value of the property, see instruction 10.00A(2), which embodies the statutory language of H.R.S. § 708-801 (valuation of property). However, "HRS § 708-801, by its clear terms, applies only when 'the value of property or services is determinative of the class or grade of an offense.' . . . HRS § 708-822 does not, on its face, require a determination of the value of property; HRS § 708-822 refers to the amount of damage done by the offender, not the value of the property damaged." *State v. Pardee*, 86 Hawai'i 165, 168, 948 P.2d 586, 589 (App. 1997) (emphasis added). The Intermediate Court also found that even if H.R.S. § 708-801 was applicable to criminal property damage offenses, the value of the damaged items had been sufficiently proved.

10.57

ARSON IN THE FOURTH DEGREE
H.R.S. § 708-8254

(Applicable to offenses occurring on or after April 9, 2007)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Fourth Degree.

A person commits the offense of Arson in the Fourth Degree
if he/she intentionally, knowingly, or recklessly sets fire to or
causes to be burned property and thereby damages the property of
another without the other's consent.

There are three material elements of the offense of Arson in
the Fourth Degree, each of which the prosecution must prove
beyond a reasonable doubt.

These three elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property; and
2. That the Defendant did so intentionally, knowingly, or
recklessly; and
3. That the Defendant damaged the property of another person
without the person's consent by such conduct.

Notes

H.R.S. §§ 708-8254, 702-206(1) and (2).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.04--"recklessly"

For definition of terms defined by H.R.S. Chapter 708, see instructions:

10.00--"property"

10.00--"property of another"

10.57

ARSON IN THE FOURTH DEGREE

H.R.S. § 708-8254

(Applicable to offenses occurring on or after April 9, 2007)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Fourth Degree.

A person commits the offense of Arson in the Fourth Degree
if he/she intentionally, knowingly, or recklessly sets fire to or
causes to be burned property and thereby damages the property of
another without the other's consent.

There are three material elements of the offense of Arson in
the Fourth Degree, each of which the prosecution must prove
beyond a reasonable doubt.

These three elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property; and

2. That the Defendant did so intentionally, knowingly, or
recklessly; and

3. That the Defendant damaged the property of another person
without the person's consent by such conduct.

Notes

H.R.S. §§ 708-8254, 702-206(1) and (2).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

6.04--"recklessly"

For definition of terms defined by H.R.S. Chapter 708, see instructions:

10.00--"property"

10.00--"property of another"

10.57A

ARSON IN THE FOURTH DEGREE
H.R.S. § 708-8254

(Applicable to offenses that occurred on or after June 9, 2006,
up to and including April 8, 2007)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
of Arson in the Fourth Degree.

A person commits the offense of Arson in the Fourth Degree
if he/she intentionally or knowingly sets fire to or causes to be
burned property and thereby damages the property of another
without the other's consent.

There are three material elements of the offense of Arson in
the Fourth Degree, each of which the prosecution must prove
beyond a reasonable doubt.

These three elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property; and
2. That the Defendant did so intentionally or knowingly; and
3. That the Defendant damaged the property of another person
without the person's consent by such conduct.

Notes

H.R.S. §§ 708-8254, 702-206(1) and (2).

For definition of states of mind, see instructions:

6.02--"intentionally"

6.03--"knowingly"

For definition of terms defined by H.R.S. Chapter 708, see instructions:

10.00--"property"

10.00--"property of another"

10.57A

ARSON IN THE FOURTH DEGREE

H.R.S. § 708-8254

(Applicable to offenses that occurred on or after June 9, 2006,
up to and including April 8, 2007)

[In Count (count number) of the Indictment/Complaint, the]
[The] Defendant, (defendant's name), is charged with the offense
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There are three material elements of the offense of Arson in
the Fourth Degree, each of which the prosecution must prove
beyond a reasonable doubt.

These three elements are:

1. That, on or about (date) in the [City and] County of
(name of county), the Defendant [set fire to] [caused to be
burned] property; and

2. That the Defendant did so intentionally or knowingly; and

3. That the Defendant damaged the property of another person
without the person's consent by such conduct.

Notes

H.R.S. §§ 708-8254, 702-206(1) and (2).

For definition of states of mind, see instructions:

6.02--"intentionally"

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For definition of terms defined by H.R.S. Chapter 708, see instructions:

10.00--"property"

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