

**IDENTIFICATION: NO IN- OR OUT-OF-COURT IDENTIFICATION**<sup>1</sup>

(Defendant), as part of his/her general denial of guilt, contends that the State has not presented sufficient reliable evidence to establish beyond a reasonable doubt that he/she is the person who committed the alleged offense. The burden of proving the identity of the person who committed the crime is upon the State. For you to find this defendant guilty, the State must prove beyond a reasonable doubt that this defendant is the person who committed the crime. The defendant has neither the burden nor the duty to show that the crime, if committed, was committed by someone else, or to prove the identity of that other person. You must determine, therefore, not only whether the State has proven each and every element of the offense charged beyond a reasonable doubt, but also whether the State has proven beyond a reasonable doubt that this defendant is the person who committed it.

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<sup>1</sup> This instruction should be given when defendant's defense is that he/she did not commit the crime and the State is seeking to prove his/her guilt without adducing any direct identification evidence, e.g., is relying on circumstantial evidence to tie the defendant to the crime.