**T.P.I. – CRIM. 11.03(d)**

**FIXING APPARENT AGGREGATE VALUE**

**[to be used only in forgery or criminal simulation cases]**

If you find the defendant guilty of Count \_\_\_\_\_ beyond a reasonable doubt, you must go further and fix the range of apparent value of the property.

"Apparent Value" is the apparent fair market value of the propertyat the time and place of the offense. The state has the burden of proving this apparent value beyond a reasonable doubt as defined in these instructions.

“Apparent” means visible, manifest or obvious.

If you find the defendant guilty of only one of the criminal acts of *[forgery] [criminal simulation]* as set out in Count \_\_\_\_\_ beyond a reasonable doubt, you must go further and identify that criminal act and fix the range of apparent value of the propertyin that one criminal act only.

If you find the defendant guilty of more than one criminal act as set out in Count \_\_\_\_\_ beyond a reasonable doubt, you must go further and identify each criminal act and fix the range of apparent aggregated value of the property.

“Aggregated” means collected into one sum.

The apparent monetary value of the property from multiple criminal acts which are charged in a single count shall be aggregated to establish value if you find, beyond a reasonable doubt, that the multiple criminal acts arose from a common scheme, a common purpose, a common intent, or a common enterprise. You may aggregate only the apparent values of the property used to commit those criminal acts that arose from a common scheme, a common purpose, a common intent, or a common enterprise.4

A “common scheme” involves multiple criminal acts committed pursuant to a systematic plan or plot or that are part of a larger, continuing plan or conspiracy.

A “common purpose” involves multiple criminal acts committed pursuant to the same objective, goal, or end.

A “common intent” involves multiple criminal acts committed with the same state of mind. That state of mind is a conscious objective or desire to engage in the multiple criminal acts proven.

A “common enterprise” involves multiple criminal acts committed pursuant to a single venture.

You will fix the apparent value of the propertyalong with its verdict by indicating which of the following ranges the apparent value falls within:

1. One thousand dollars ($1,000) or less;
2. More than one thousand dollars ($1,000), but less than two thousand five hundred dollars ($2,500);
3. Two thousand five hundred dollars ($2,500) or more, but less than ten thousand dollars ($10,000);
4. Ten thousand dollars ($10,000) or more, but less than sixty thousand dollars ($60,000);
5. Sixty thousand dollars ($60,000) or more [**only for offenses committed on or after 7/1/12:** , but less than two hundred fifty thousand dollars ($250,000);

6. Two hundred fifty thousand dollars ($250,000) or more].]

If you find the defendant guilty of only one of the criminal acts set out in Count \_\_\_\_\_, your verdict shall be “We, the jury, unanimously find the defendant guilty of the act of\_\_\_\_, and set the apparent value of the property at \_\_\_\_.

If you find the defendant guilty of more than one of the criminal acts set out in Count \_\_\_\_\_, your verdict shall be in the following form:

“We, the jury, unanimously find the defendant guilty beyond a reasonable doubt of the following criminal acts, and further unanimously find that they each arose from a common scheme, a common purpose, a common intent, or a common enterprise:

1. The act of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with an apparent value of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

2. The act of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with an apparent value of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

[3]. The act of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with an apparent value of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

[4]. The act of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with an apparent value of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

[5]. The act of \_\_\_\_\_\_\_\_\_\_\_\_ with an apparent value of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ; and further find that the total apparent aggregate value of the property is in the following range:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .