

LURING A CHILD -- 13 V.S.A. § 2828

The State has charged (Def)_____ with luring a child, as follows:

[Read the charge.]

Every crime is made up of essential elements. Before (Def)_____ can be found guilty of the charge, the State must have proven each of the essential elements beyond a reasonable doubt. In this case, the essential elements are that on the date and at the place alleged,

- (1) (Def)_____;
- (2) [lured] [solicited] [enticed] [attempted to [lure] [solicit] [entice]] (victim)_____;
- (3) to engage in [a sexual act] [a lewd or lascivious act upon or with the body, or any part or member thereof, of a child];
- (4) [he] [she] did so knowingly; and
- (5) at the time of the offense, [(victim)_____ was a child under the age of 16] [OR] [(Def)_____ believed (victim)_____ to be a child under the age of 16].

The first essential element is that (Def)_____ is the person who committed the alleged acts.

The second essential element is that (Def)_____ [lured] [solicited] [enticed] [attempted to [lure] [solicit] [entice]] (victim)_____. [To lure means to cause or persuade a person to go somewhere or to do something by offering some pleasure or gain.] [To solicit means to request or seek to obtain something.] [To entice means to lure or induce.] [An attempt requires an open, physical act by (Def)_____, coupled with an intent to commit the offense. You must distinguish between mere preparation and the actual start of the criminal conduct. Merely planning the offense, or doing some act which might be

innocent in itself, is not enough. An act is sufficient to be an attempt to commit an offense, if it is intentional, and if it progresses far enough to be the beginning of the crime.]

The third essential element is that (Def) _____ [lured] [solicited] [enticed] [attempted to [lure] [solicit] [entice]] (victim) _____ to engage in [a sexual act] [a lewd or lascivious act upon or with the body, or any part or member thereof, of a child]. [A sexual act means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.] [To act lewdly means to act in an obscene or indecent manner. The words lewd or lascivious mean that (Def) _____'s conduct was lustful, indecent, or sexual behavior that offends current morality in Vermont. Lewdnness is defined as "gross and wanton indecency in sexual relations," whereas lascivious means "tending to excite lust." To determine whether (Def) _____'s behavior was lewd or lascivious, you should apply your sense of the community standards of decency, propriety, and morality.]

The fourth essential element is that (Def) _____ acted knowingly. The State must have proven that (Def) _____ acted knowingly, and not inadvertently, or because of mistake, or by accident.

The last essential element is that at the time of the offense, [(victim) _____ was a child under the age of 16] [OR] [(Def) _____ believed (victim) _____ to be a child under the age of 16].

All of the elements of the offense must have been present at the same time. If the State has not proven each of the essential elements of the charge beyond a reasonable doubt, then you must find (Def) _____ not guilty. However, if the State has proven all of the essential elements beyond a reasonable doubt, you must return a verdict of guilty.