, the defendant in this case, has been charged with the crime of criminal mischief in the first degree.

To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt the following:

[(1) the defendant intentionally damaged an oil or gas pipeline or supporting facility; and

(2) the defendant had no right to do so or any reasonable ground to believe that the defendant had such a right.]

[(1) the defendant intended to cause a substantial interruption or impairment of a service rendered to the public by a utility or an organization that deals with emergencies involving danger to life or property;

(2) the defendant damaged or tampered with property of that utility or organization;

(3) the defendant’s conduct caused a substantial interruption or impairment of a service rendered to the public; and

(4) the defendant had no right to do so or any reasonable ground to believe that the defendant had such a right.]

[(1) the defendant intended to damage property of another by the use of widely dangerous means;

(2) the defendant damaged property of another by the use of widely dangerous means;

(3) the amount of damage exceeded $100,000; and

(4) the defendant had no right to do so or any reasonable grounds to believe that the defendant had such a right.]

# USE NOTE

The following terms are defined in other instructions:

"intentionally" – 11.81.900

"oil or gas pipeline or supporting facilities" – 11.46.495

"property" – 11.81.900

"tamper" – 11.46.495

"utility" – 11.46.495

"widely dangerous means" – 11.46.495

This pattern instruction includes all the theories of first-degree criminal mischief. Before this instruction is submitted to the jury, the trial court must determine which theory under AS 11.46.475(a) applies and delete any theories that do not apply.

The criminal mischief statutes do not require the State to prove that the defendant knew of and had reason to know that the damage caused would exceed a particular amount or value.Ortberg v. State*,* 751 P.2d 1368 (Alaska App. 1988).

The amount of damage caused by an act of criminal mischief may be established through evidence showing either diminution in value or reasonable cost of repair. Willett v. State, 826 P.2d 1142, 1144 (Alaska App. 1992).

The state bears the burden of proving beyond a reasonable doubt that a defendant has no reasonable ground to believe that his actions are necessary for self-protection in a prosecution for criminal mischief in which the defendant asserts a necessity defense. McGee v. State, 162 P.3d 1251, 1255 (Alaska App. 2007).