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

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

[(1) the defendant knowingly tampered with an [oil or gas pipeline or supporting facility] [airplane or helicopter];

(2) the defendant had no right or any reasonable ground to believe [he] [she] had a right to engage in the conduct; and

(3) the defendant recklessly disregarded the risk of harm to or loss of the property.]

[(1) the defendant knowingly tampered with [food] [air] [water] [a drug] [a cosmetic item], or a container for [food] [air] [water] [a drug] [a cosmetic item];

(2) in doing so, the defendant intended to cause physical injury to another person; and

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

[(1) the defendant knowingly delivered, dispensed, or distributed [food] [air] [water] [a drug] [a cosmetic item], or a container for [food] [air] [water] [a drug] [a cosmetic item];

(2) the defendant knew that a person had tampered with the [food] [air] [water] [drug] [cosmetic item], or a container for the [food] [air] [water] [drug] [cosmetic item];

(3) in doing so, the defendant intended to cause physical injury to another person; and

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

# USE NOTE

The following terms are defined in other instructions:

"deliver" – 11.46.480

"dispense" – 11.46.480

"distribute" – 11.46.480

“drug” – 11.71.900

"intentionally" – 11.81.900

"knowingly" – 11.81.900

"oil or gas pipeline or supporting facilities" – 11.46.495

"physical injury" – 11.81.900

"property" – 11.81.900

"recklessly" – 11.81.900

"tamper" – 11.46.495

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).