

12.5 BURNING TO DEFRAUD INSURER

§ 817.233, Fla. Stat.

To prove the crime of Burning to Defraud an Insurer, the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant)
[set fire to]

[burned]

[attempted to set fire to]

[attempted to burn]

[caused to be burned]

[aided, counseled, or procured the burning of]

(building, structure, or personal property alleged).
2. The property belonged to (person alleged).
3. The property was insured against loss or damage by fire.
4. (Defendant) acted willfully and with a fully-formed, conscious intent to injure or defraud the insurer of the property.

Definition

"Willfully" means intentionally, knowingly, and purposely.

Lesser Included Offenses

BURNING TO DEFRAUD INSURER — 817.233

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted in 1981.