

**3.3(e) AGGRAVATION OF A FELONY BY WEARING A HOOD, MASK, OR OTHER
DEVICE TO CONCEAL IDENTITY**

§ 775.0845, Fla. Stat.

If you find that (defendant) committed (crime charged) and you also find beyond a reasonable doubt that (defendant) was personally wearing a hood, mask, or other device that concealed [his] [her] identity, you should find (defendant) guilty of (crime charged) while wearing a device that concealed [his] [her] identity.

If you find that (defendant) committed (crime charged) but you are not convinced beyond a reasonable doubt that [he] [she] personally wore a hood, mask, or other device that concealed [his] [her] identity, then you should find the defendant guilty only of (crime charged).

Comments

A defendant's offense may not be reclassified under this provision unless he or she personally wore a device concealing his or her identity during the felony. See *Wright v. State*, 810 So. 2d 873 (Fla. 2002).

This instruction was adopted in July 1997 and amended in 2011.