

CAUSATION¹

DRAFT

Thus,, it is necessary for the State to prove that the defendant's act(s) caused the [prohibited result]¹. In determining whether causation has been proved, keep in mind that the defendant's conduct need not be the sole cause of the [prohibited result].² If you find beyond a reasonable doubt that the defendant's conduct was a substantial factor in bringing about the result, the element of causation is proven, even though other factors may have contributed to the result. Factors other than the defendant's conduct that may have contributed to the [prohibited result]² will break the causal link and defeat the element of causation only when you find that they were the sole substantial cause of the [prohibited result]². Keep in mind that it is the State's burden to prove both that the defendant's conduct was a substantial factor and that other conduct was not the sole substantial cause of the [prohibited result]².

¹ This instruction should be given whenever causation is an element of the offense and the defendant has proffered some evidence of other causal acts. *State v. Soucy* 139 N.H. 349, 354-55 (1995).

¹ Trial judge may elect to insert specific result element at issue Thus,.