

**21.8 TAMPERING WITH OR FABRICATING
PHYSICAL EVIDENCE**

§ 918.13 Fla. Stat.

To prove the crime of [Tampering with] [Fabricating] Physical Evidence, the State must prove the following two elements beyond a reasonable doubt:

1. (Defendant) knew that [a criminal trial or proceeding] [an investigation by a duly constituted [prosecuting authority] [law enforcement agency] [grand jury] [legislative committee]] of this state was [pending] [about to be instituted].

Give 2a or 2b as applicable.

2. a. (Defendant) [altered] [destroyed] [concealed] [removed] any [record] [document] [thing] [item alleged], with the purpose to impair its [verity] [availability] in the [investigation] [proceeding].

b. (Defendant) [made] [presented] [used] any [record] [document] [thing] [item alleged], knowing it to be false.

Lesser Included Offenses

21. [TAMPERING WITH] [FABRICATING] PHYSICAL EVIDENCE— 918.13			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted in 2010 [44 So. 3d 565] and amended in 2013.