**ICJI 1703 Burden of Proof**

It is presumed that no statutory aggravating circumstance exists in this case. This presumption remains throughout the sentencing phase and during your deliberations.

The State has the burden of proving the existence of a statutory aggravating circumstance, and that burden remains on the State throughout the sentencing phase. The defendant is not required to prove the absence of any aggravating circumstance, nor is the defendant required to produce any evidence at all.

The State must prove the existence of a statutory aggravating circumstance beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced the State has established a statutory aggravating circumstance. It is not required that the State prove a statutory aggravating circumstance beyond all possible doubt.

A reasonable doubt is a doubt based upon reason and common sense and is not based purely on speculation. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence.

If after careful and impartial consideration of all the evidence, you are not convinced beyond a reasonable doubt about a statutory aggravating circumstance, it is your duty to find that a statutory aggravating circumstance has not been proven. On the other hand, if after careful and impartial consideration of all the evidence, you are convinced beyond a reasonable doubt about a statutory aggravating circumstance, it is your duty to find that a statutory aggravating circumstance has been proven.