**ICJI 1714 Utter Disregard for Human Life**

You have been instructed that the State has alleged the statutory aggravating circumstance that by the murder, or circumstances surrounding its commission, the defendant exhibited utter disregard for human life. In order to find the defendant guilty of this statutory aggravating circumstance, you must unanimously find, beyond a reasonable doubt, that by the murder, or circumstances surrounding its commission, the defendant exhibited utter disregard for human life.

“Exhibited utter disregard for human life,” with regard to the murder or the circumstances surrounding its commission, refers to acts or circumstances surrounding the crime that exhibit the highest, the utmost, callous disregard for human life, i.e., the cold-blooded, pitiless slayer. “Cold-blooded” means marked by absence of warm feeling: without consideration, compunction, or clemency, matter of fact, or emotionless. “Pitiless” means devoid of or unmoved by mercy or compassion. A “cold-blooded, pitiless slayer” refers to a slayer who kills without feeling or sympathy. The utter disregard factor refers to the defendant’s lack of conscience regarding killing another human being.

Comment

This instruction should be given when the State alleges the utter disregard statutory aggravator set forth in I.C. § 19-2515(9)(f).

*State v. Abdullah*, 158 Idaho 386, 463, 348 P.3d 1, 78 (2014); *State v. Dunlap*, 155 Idaho 345, 378, 312 P.3d 1, 34 (2012); *Arave v. Creech*, 507 U.S. 463. 113 S. Ct. 1534, 123 L. Ed. 2d 188 (1993); *State v. Osborn*, 102 Idaho 405, 418-19, 613 P.2d 187, 200-01 (1981).