

RULE 3.490 | DETERMINATION OF DEGREE OF OFFENSE

If the indictment or information charges an offense divided into degrees, the jury may find the defendant guilty of the offense charged or any lesser degree supported by the evidence. The judge shall not instruct on any degree as to which there is no evidence.

Committee Notes

1968 Adoption. Same as 919.14.

1972 Amendment. Same as prior rule except references to affidavit have been deleted.

