The first complaint in this case charges this Defendant with the crime of **Operating a Vehicle While Under the Influence of Alcohol.**

Before you can find the Defendant guilty of the crime of Operating a Vehicle While Under the Influence of Alcohol, the State of Ohio must prove, to each member of this jury, beyond a reasonable doubt, that:

1. on or about , and in Delaware County, Ohio;
2. the Defendant, Just test again;
3. operated a vehicle;
4. while under the influence of alcohol.

In stating to you the essential elements of the crime of **Operating a Vehicle While Under the Influence of Alcohol**, I have used a number of specific terms, which I will explain to you.

The term **“operate”** means to cause or have caused the movement of a vehicle.

The term **“vehicle”** means every device upon which a person or property may be transported upon a highway.

**“Under the Influence”** means that the Defendant consumed some alcohol, whether mild or potent, and in such a quantity, whether small or great, that it adversely affected and noticeably impaired the Defendant’s actions, reactions, or mental processes under the circumstances then existing and deprived the Defendant of that clearness of intellect and control of himself that he would otherwise have possessed. The question is not how much alcohol would affect an ordinary person. The question is what effect did any alcohol consumed by the Defendant have on him at the time and place involved. If the consumption of alcohol so affected the nervous system, brain, or muscles of the Defendant that it impaired, to a noticeable degree, his ability to operate a vehicle, then the Defendant was under the influence of alcohol.

If, after considering all the evidence, all eight members of this jury find that the State of Ohio proved, beyond a reasonable doubt, each and every essential element of the crime of Operating a Vehicle While Under the Influence of Alcohol, then it will be the duty of this jury to find the Defendant guilty on that charge.

If, after considering all of the evidence, this jury finds that the State of Ohio did not prove beyond a reasonable doubt any one of the essential elements of the crime of Operating a Vehicle While Under the Influence of Alcohol, then it will be the duty of this jury to find the Defendant not guilty on that charge.