**17.02 KNOWLEDGE THAT A STATEMENT IS FALSE OR MISLEADING**

The defendant knew that the statement was false or misleading if, at the time it was made:

(1) the defendant knew or believed the matter was not as [he][she] represented;

(2) the defendant did not have the confidence in the accuracy of the statement that [he][she] stated or implied; or

(3) the defendant knew [he][she] did not have the basis for the statement that [he][she] stated or implied.

Use Note

This instruction should be given with 17.01 (Intentional Misrepresentation).

Comment

The Alaska Supreme Court discussed this element in *Lightle v. State*, 146 P.3d 980, 983-84 (Alaska 2006).