, the defendant in this case, has been charged with the crime of riot.

To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt each of the following elements:

(1) six or more people were engaged in tumultuous and violent conduct in a public place;

(2) the defendant was one of those six people;

(3) the defendant knowingly engaged in the tumultuous and violent conduct; and

(4) as a result of the defendant’s tumultuous and violent conduct, the defendant recklessly caused, or created a substantial risk of causing, damage to property or physical injury to a person.

# USE NOTE

The following terms are defined in other instructions:

“knowingly” – 11.81.900(a)(2)

"physical injury" – 11.81.900(b)

"property" – 11.81.900(b)

"public place" – 11.81.900(b)

“recklessly” – 11.81.900(a)(3)

The culpable mental states of “knowingly” and “recklessly” have been added to elements (3) and (4), respectively, pursuant to AS 11.81.610(b). *See* Commentary, Senate Journal Supp. No. 47, at 93 (June 12, 1978).

Riot requires a defendant’s conduct to be both tumultuous *and* violent; “[b]ehavior that is merely tumultuous would be insufficient to sustain a conviction under the statute.” *See id*.; *see also Dawson v. State*, 264 P.3d 851, 856 n.12 (Alaska App. 2011).