



MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE
Meeting Minutes of:
Thursday, November 19, 2015
Held at the Supreme Court – 4th floor conference room #4244

Attendees: Justice Coats (Chair), Judge Dailey (Vice Chair), Judge Lichtenstein (Vice Chair), Chief Judge Samour.

Telephone participants: Judge Burback, Judge Gilbert, Senior Judge Greenacre, Judge Lammons, Judge Phillips, Judge Robison, Judge Romeo, Senior Judge Tuttle.

Staff: Jeremy Beck (Reporter).

I. Approval of Minutes

The Committee approved the minutes for the October 15, 2015, meeting.

II. Review of Instructions Incorporating 2015 Legislation

The Committee reviewed and approved instructions that were modified or added to account for 2015 legislation.

III. Discussion of Instructions Featuring the Term “Knowing”

The Committee considered creating a formal protocol involving instructions that use the term “knowing” rather than “knowingly.” Ultimately, the Committee concluded that a rigid protocol was inappropriate and that it should instead treat such instructions on a case-by-case basis.

IV. Discussion of Instructions Featuring the Term “Attempt”

The Committee discussed how to treat instructions that feature the term “attempt.” The Committee concluded that it should not refer users to Instruction G2:01 (criminal attempt). It further concluded that it should add a comment to such instructions indicating that, while the trial court may wish to consider whether or not to give Instruction G2:01, the Committee takes no position on the matter.

V. Instruction D:08: Judicial Notice

The Committee debated the proper format of this instruction. It tabled the issue for resolution via email over the coming month.

VI. Chapter Drafts

The Committee formally approved drafts of the following chapters:

1. Chapter 7-7 (Sexual Conduct in a Correctional Institution)
2. Chapter 8-3 (Bribery and Corrupt Influences)

VII. Next Meeting

The Chair determined that the Committee will not meet in December 2015. As such, the next regular meeting of the Committee will be held on Thursday, January 21, 2016, 3-5 p.m., in supreme court conference room #4244. The Chair will set an agenda and have the Reporter distribute relevant written materials in advance of the meeting. In the interim, the Reporter will work with the Committee to finalize the 2015 version of the instructions for online publication in early 2016.

The Chair adjourned the meeting at 5:07 p.m.