

INSTRUCTION NO. _____

Members of the jury, the evidence in this case has been completed. In a moment, I will read to you jury instructions that contain the rules of law you must apply to reach your verdict. You will have copies of what I read to take with you to the jury room. But first, I want to mention a few things you need to keep in mind when you are discussing this case in the jury room.

Until you have returned a verdict, you must not do any research about this case or this kind of case using any source, including dictionaries, reference materials, the internet or any other electronic means. You must not communicate in any way with anyone else about this case or this kind of case until you have returned a verdict in court. This includes your family and friends. If you have a cell phone or other electronic device, you must keep it turned off during jury deliberations.

It is my job to decide what rules of law apply to the case. While the attorneys may comment on some of these rules, you must follow the instructions I give you. Even if you disagree with or do not understand the reasons for some of the rules of law, you must follow them. No single instruction describes all the law which must be applied; the instructions must be considered together as a whole.

During the trial, you received all of the evidence that you may properly consider in deciding the case. Your decision must be made by applying the rules of law that I give you to the evidence presented at trial. Remember, you must not be influenced by sympathy, bias or prejudice in reaching your decision.

If you decide that the prosecution has proved beyond a reasonable doubt that the defendant is guilty, it will be my job to decide what the punishment will be. In making your decision, you must not consider punishment at all. At times during the trial, attorneys made objections. Do not draw any conclusions from the objections or from my rulings on the objections. These only related to legal questions I had to decide and should not influence your thinking. If I told you not to consider a particular statement that was made during the trial, you must not consider it in your deliberations.

Finally, you should consider all the evidence in light of your experience in life.

INSTRUCTION NO. _____

The charges against the defendant are not evidence. The charges against the defendant are just an accusation. The fact that the defendant has been accused is not evidence that the defendant committed any crimes.

The Defendant is charged with committing the crime of Failure to Provide Proof of Insurance, Driving While Ability Impaired, and Unlawful Display of License Plates. These offenses occurred on or about January 24, 2021. The Defendant has pleaded not guilty to all of these charges.

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Every person charged with a crime is presumed innocent. This presumption of innocence remains with the defendant throughout the trial and should be given effect by you unless, after considering all of the evidence, you are then convinced that the defendant is guilty beyond a reasonable doubt.

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The burden of proof is upon the prosecution to prove to the satisfaction of the jury beyond a reasonable doubt the existence of all of the elements necessary to constitute the crime charged.

Reasonable doubt means a doubt based upon reason and common sense which arises from a fair and rational consideration of all of the evidence, or the lack of evidence, in the case. It is a doubt which is not a vague, speculative or imaginary doubt, but such a doubt as would cause reasonable people to hesitate to act in matters of importance to themselves.

If you find from the evidence that each and every element of a crime has been proven beyond a reasonable doubt, you should find the defendant guilty of that crime. If you find from the evidence that the prosecution has failed to prove any one or more of the elements of a crime beyond a reasonable doubt, you should find the defendant not guilty of that crime.

INSTRUCTION NO. _____

Every defendant has a constitutional right not to testify. The decision not to testify cannot be used as an inference of guilt and cannot prejudice the defendant. It is not evidence, does not prove anything, and must not be considered for any purpose.

INSTRUCTION NO. ____

You are the sole judges of the credibility of each witness and the weight to be given to the witness's testimony. You should carefully consider all of the testimony given and the circumstances under which each witness has testified.

For each witness, consider that person's knowledge, motive, state of mind, demeanor, and manner while testifying. Consider the witness's ability to observe, the strength of that person's memory, and how that person obtained his or her knowledge. Consider any relationship the witness may have to either side of the case, and how each witness might be affected by the verdict. Consider how the testimony of the witness is supported or contradicted by other evidence in the case. You should consider all facts and circumstances shown by the evidence when you evaluate each witness's testimony.

You may believe all of the testimony of a witness, part of it, or none of it.

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The number of witnesses testifying for or against a certain fact does not, by itself, prove or disprove that fact.

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A fact may be proven by either direct or circumstantial evidence. Under the law, both are acceptable ways to prove something. Neither is necessarily more reliable than the other.

Direct evidence is based on first-hand observation of the fact in question. For example, a witness's testimony that she looked out a window and saw snow falling might be offered as direct evidence that it had snowed.

Circumstantial evidence is indirect. It is based on observations of related facts that may lead you to reach a conclusion about the fact in question. For example, a witness's testimony that she looked out a window and saw snow covering the ground might be offered as circumstantial evidence that it had snowed.

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During this trial you were permitted to submit written questions to witnesses. If a particular question was not asked, do not guess why the question was not asked or what the answer might have been. My decision not to ask a question submitted by a juror is not a reflection on the person asking it, and you should not attach any significance to the failure to ask a question. By making legal rulings on the admissibility of questions, I did not intend to suggest or express any opinion about the question. My decision whether or not to allow a question is based on the applicable rules of evidence and other rules of law, and not on the facts of this particular case. It is my responsibility to assure that all parties receive a fair trial according to the law and the rules of evidence.

The fact that certain questions were not asked must not affect your consideration of the evidence in any way. Do not give greater weight to questions, or answers to questions, that are submitted by yourself or your fellow jurors. In making your decision, you must consider all of the evidence that has been presented.

INSTRUCTION NO. _____

The elements of the crime of failure to present proof of insurance are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. was an owner or operator of a motor vehicle or low-power scooter, and
4. failed to present to a requesting peace officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law,
5. when an accident occurred, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of failure to present proof of insurance.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of failure to present proof of insurance.

INSTRUCTION NO. ____

The elements of the crime driving while ability impaired are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. drove a motor vehicle or vehicle,
4. while impaired by alcohol.

“Driving while ability impaired” means driving a motor vehicle or vehicle when a person has consumed alcohol that affects the person to the slightest degree so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of driving while ability impaired.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of driving while ability impaired.

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As to the charge of driving while ability impaired, the amount of alcohol in the defendant's blood or breath at the time of the alleged offense, or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, gives rise to the following:

(a) Presumption:

It shall be presumed that the defendant was not under the influence of alcohol if there was at such time 0.05 or less grams of alcohol per one hundred milliliters of blood, or if there was at such time 0.05 or less grams of alcohol per two hundred ten liters of breath.

A presumption requires you to find a fact, as if it had been established by evidence, unless the presumption is rebutted by evidence to the contrary.

(b) Permissible inferences:

A permissible inference that the defendant's ability to operate a motor vehicle or vehicle was impaired by the consumption of alcohol may be drawn if there was at such time in excess of 0.05 but less than 0.08 grams of alcohol per one hundred milliliters of blood, or if there was at such time in excess of 0.05 but less than 0.08 grams of alcohol per two hundred ten liters of breath, and such fact may also be considered with other competent evidence in determining whether or not the defendant was under the influence of alcohol.

A permissible inference that the defendant was under the influence of alcohol may be drawn if there was at such time 0.08 or more grams of alcohol per one hundred milliliters of blood, or if there was at such time 0.08 or more grams of alcohol per two hundred ten liters of breath.

A permissible inference allows, but does not require, you to find a fact from proof of another fact or facts, if that conclusion is justified by the evidence as a whole. It is entirely your decision to determine what weight shall be given the evidence.

You must bear in mind that the prosecution always has the burden of proving each element of the offense beyond a reasonable doubt, and that a permissible inference does not shift that burden to the defendant.

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You are not bound by the testimony of a witnesses who have testified as experts; the credibility of an expert's testimony is to be considered as that of any other witness. You may believe all of an expert witness's testimony, part of it, or none of it. The weight you give the testimony is entirely your decision.

INSTRUCTION NO. ____

The elements of the crime unlawful display of plates are:

1. That the defendant,
2. In the state of Colorado at or about the date and place charged,
3. Failed to attach the number plates assigned to his vehicle with one in the front and one in the rear.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of unlawful display of plates.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of unlawful display of plates.

INSTRUCTION NO. ____

In this case, certain words and phrases have particular meanings. Accordingly, you are to use the following definitions where these words and phrases appear in instructions that define crimes, defenses, special rules, and verdict questions.

“Motor vehicle” means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, electric scooters, low-power scooters, wheelchairs, or vehicles moved solely by human power.

“Vehicle” means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. “Vehicle” includes a bicycle, electrical assisted bicycle, electric scooter, or electric personal assistive mobility device.

“Low-power scooter” means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either: A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or a wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

The term “peace officer” means a peace officer in uniform or, if out of uniform, one who has identified himself by exhibiting his peace officer credentials as such peace officer to the person whose arrest is attempted.

INSTRUCTION NO. _____

In a moment, you will receive the final arguments of counsel. At the conclusion of final arguments, the bailiff will escort you into the jury room. Upon reaching the jury room, you are first to select one of your members to be the foreperson of the jury. Your foreperson shall preside over your deliberations, and shall sign whatever verdict you reach.

The verdict for each charge must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agree to it. Your verdict must be unanimous.

Only one portion of each verdict form shall be returned signed for each count, and the verdict forms and these instructions shall remain in the possession of your foreperson until such time as they are called for in open court. Upon reaching your verdict, you will inform the bailiff of this Court, who will in turn notify the Court, and you will remain in the jury room until called into the Courtroom.

You will be provided with three forms of verdict. When you have unanimously agreed upon your verdicts, you will select the portions of the verdict forms which reflect your verdicts, and the foreperson will sign them as the Court has stated. The unsigned portions shall be returned with no markings on them.

After the reading of these instructions, the court will read to you the forms of verdict you will receive. You are further instructed that no inferences are to be drawn from the order in which the court reads the verdicts.

INSTRUCTION NO. ____

Once you begin your deliberations, if you have a question, your foreperson should write it on a piece of paper, sign it and give it to the bailiff, who will bring it to me.

The Court will then determine the appropriate way to answer the question.

However, there may be some questions that, under the law, the Court is not permitted to answer. Please do not speculate about what the answer to your question might have been or why the Court is not able to answer a particular question.

Finally, please be sure to keep the original question and response. Do not destroy them as they are part of the official record in this case, and must be returned to me when you return the instructions and verdict forms at the end of the case.

COUNTY COURT, COUNTY OF ADAMS, STATE OF COLORADO
Case No. Division. 2

JURY VERDICT,

THE PEOPLE OF THE STATE OF COLORADO,
Plaintiff,

v.

Defendant.

I. We, the jury, find the Defendant, NOT GUILTY of ...

FOREPERSON

II. We, the jury, find the Defendant, GUILTY of ...

FOREPERSON

* The foreperson should sign only one of the above (I or II)
If the verdict is NOT GUILTY, then I above should be signed.
If the verdict is GUILTY, then II above should be signed.