

JURY INSTRUCTIONS BANK (CRIMINAL)

Jury Instruction No. _____

IMPORTANCE OF JURY SERVICE¹

Jury service is an important part of the Tohono O’odham Nation’s system of justice. The Nation’s Constitution guarantees all members the right to a jury trial. Jurors such as yourselves are necessary to ensure justice for all. The Tohono O’odham Himdag (way of life) has a long heritage of resolving disputes through group consensus. Jury duty acts the same way for the members selected, as you will decide the outcome of a case. Jury duty is a way for the Tohono O’odham community to be involved in the judicial process and to help protect the Tohono O’odham Nation’s sovereignty. The jury system is an effective means of drawing on the collective wisdom, experience, and fact-finding abilities of persons such as yourselves. While it may be an occasional inconvenience, jury service is an important responsibility that the Court asks you to take seriously.

Jury Instruction No. _____

DUTY OF JURORS²

Ladies and Gentlemen:

Now that you have been sworn, I will briefly tell you something about your duties as jurors and give you some instructions. At the end of the trial I will give you more detailed instructions, and those instructions will control your deliberations.

It will be your duty to decide the facts. You must decide the facts only from the evidence produced in court. You must not speculate or guess about any fact. In deciding

¹ **SOURCE:** Bench Book for Superior Court Judges; Preliminary 2, RAJI (Civil) 5th; Preliminary 1, RAJI (Criminal) 6th; Article III, Section 4, Tohono O’odham Constitution; Preliminary 23, RAJI (Criminal) 6th. Ruth Murray Underhill, Social Organization of the Papago Indians 116-19 (AMS Press, 1969).

² **SOURCE:** Capital Case Instruction 1.2; Preliminary 2, RAJI (Criminal) 6th.

this case, you are not to be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion, or public feeling. Race, color, religion, national ancestry, gender or sexual orientation should not influence you.

You will hear the evidence, decide the facts, and then apply the law I will give to you to those facts. That is how you will reach your verdict. In doing so you must follow that law whether you agree with it or not.

You must not take anything I may say or do during the trial as indicating any opinion about the facts. You, and you alone, are the judges of the facts.

Jury Instruction No. _____

EVIDENCE³

You will decide what the facts are from the evidence presented here in court. That evidence will consist of testimony of witnesses, any documents and other things received into evidence as exhibits, and any evidence stipulated to by the parties or that you are instructed to consider.

You may hear reference to exhibits that are not admitted and are not asked to be admitted. These exhibits are not admitted as evidence, but the information from them that is testified to by witnesses is evidence that you may consider.

You will decide the credibility of the witnesses and weight to be given to any evidence presented in the case, whether it is direct evidence or circumstantial evidence.

Jury Instruction No. _____

DIRECT AND CIRCUMSTANTIAL EVIDENCE⁴

Evidence may be direct or circumstantial. Direct evidence is a physical exhibit or the testimony of a witness who saw, heard, touched, smelled or otherwise actually perceived an event. Circumstantial evidence is the proof of a fact or facts from which the existence of another fact may be determined. The law makes no distinction between direct

³ SOURCE: Preliminary 3, RAJI (Civil) 5th modified; Preliminary 3, RAJI (Criminal) 6th.

⁴ SOURCE: Preliminary 3, RAJI (Civil) 5th modified; Preliminary 4, RAJI (Criminal) 6th.

and circumstantial evidence. You must determine the weight to be given to all the evidence without regard to whether it is direct or circumstantial.

Jury Instruction No. _____

EVIDENCE, STATEMENTS OF LAWYERS, AND RULINGS⁵

As I mentioned earlier, it is your job to decide from the evidence what the facts are. Here are six rules on what is and what is not evidence:

1. Evidence to be considered: You must determine the facts only from the testimony of witnesses and from exhibits admitted in evidence. Anything you may see or hear when the court is not in session, even if what you see or hear is done or said by one of the parties or by one of the witnesses, is not evidence and must not be considered by you. If you should hear or see anything pertaining to the case outside the courtroom or if anyone should attempt to speak to you about this case outside the courtroom, please report to me as soon as you can.

2. Lawyers' statements: Statements or arguments made by the lawyers in the case are not evidence. Their purpose is to help you understand the evidence and law.

3. Questions to a witness: A question is not evidence. A question can only be used to give meaning to a witness' answer.

4. Objections to questions: If a lawyer objects to a question and I do not allow the witness to answer, you must not try to guess what the answer might have been. You must also not try to guess the reason why the lawyer objected in the first place.

5. Rejected evidence: At times during the trial, evidence may be offered that I do not admit as evidence. When evidence is not admitted, you must not consider it for any purpose.

6. Stricken evidence: At times I may order some evidence to be stricken from the record. Then it is no longer evidence and you must not consider it for any purpose.

⁵ **SOURCE:** Bench Book for Superior Court Judges; Preliminary 7, RAJI (Civil) 5th modified; Preliminary 6, RAJI (Criminal) 6th.

Jury Instruction No. _____

RULINGS OF THE COURT⁶

Admission of evidence in court is governed by rules of law. I will apply those rules and resolve any issues that arise during the trial concerning the admission of evidence.

If an objection to a question is sustained, you must disregard the question and you must not guess what the answer to the question might have been. If an exhibit is offered into evidence and an objection to it is sustained, you must not consider that exhibit as evidence. If testimony is ordered stricken from the record, you must not consider that testimony for any purpose.

Do not concern yourselves with the reasons for my rulings on the admission of evidence. Do not regard those rulings as any indication from me of the credibility of the witnesses or the weight you should give to any evidence that has been admitted.

Jury Instruction No. _____

EXCLUSION OF WITNESSES⁷

The Rule of Exclusion of Witnesses is in effect and will be observed by all witnesses until the trial is over and a result announced. This means that all witnesses will remain outside the courtroom during the entire trial except when one is called to the witness stand. They will wait in the areas directed by the court officer unless other arrangements have been made with the attorney who has called them. However, both the defendant and the Nation are nevertheless entitled to the presence of one investigator at counsel table and the victim has a right to be present during trial. The rule also forbids witnesses from telling anyone but the lawyers what they will testify about or what they have testified to. If witnesses do talk to the lawyers about their testimony, other witnesses and jurors should avoid being present or overhearing.

⁶ SOURCE: Preliminary 4, RAJI (Civil) 5th; Preliminary 7, RAJI (Criminal) 6th.

⁷ SOURCE: Bench Book for Superior Court Judges; Preliminary 12, RAJI (Civil) 5th; Rule 9.3, Ariz. R. Crim. P.; Rule 615, Ariz. R. Evid.; Preliminary 8, RAJI (Criminal) 6th

The lawyers are directed to inform all their witnesses of these rules and to remind them of their obligations from time to time, as may be necessary. The parties and their lawyers should keep a careful lookout to prevent any potential witness from remaining in the courtroom if they accidentally enter.

JURY INSTRUCTION NO.: _____

BENCH CONFERENCES AND RECESSES⁸

From time to time during the trial, it may become necessary for me to talk with the attorneys out of the hearing of the jury, either by having a conference at the bench when the jury is present in the courtroom, or by calling a recess. Please understand that while you are waiting, we are working. The purpose of these conferences is not to keep relevant information from you, but to decide how certain evidence is to be treated under the rules of evidence and to avoid confusion and error. We will, of course, do what we can to keep the number and length of these conferences to a minimum. I may not always grant an attorney's request for a conference. Do not consider my granting or denying a request for a conference as any indication of my opinion of the case or of what your verdict should be. Please do not be concerned with what we are discussing at any bench conference we may have. Please respect the privacy of those participating in the bench conference in order to maintain the fairness of the trial.

JURY INSTRUCTION NO.: _____

CREDIBILITY OF WITNESSES⁹

In deciding the facts of this case, you should consider what testimony to accept, and what to reject. You may accept everything a witness says, or part of it, or none of it.

In evaluating testimony, you should use the tests for accuracy and truthfulness that people use in determining matters of importance in everyday life, including such factors

⁸ **SOURCE:** Ninth Circuit Manual of Model Civil Jury Instructions, Instruction 2.2, modified by addition of the last two sentences; Preliminary 9, RAJI (Criminal) 6th.

⁹ **SOURCE:** Bench Book for Superior Court Judges; Standard 18, RAJI (Criminal) 3rd; Preliminary 5, RAJI (Civil) 5th; Preliminary 10, RAJI (Criminal) 6th.

as: the witness's ability to see or hear or know the things the witness testified to; the quality of the witness's memory; the witness's manner while testifying; whether the witness has any motive, bias, or prejudice; whether the witness is contradicted by anything the witness said or wrote before trial, or by other evidence; and the reasonableness of the witness's testimony when considered in the light of the other evidence.

Consider all of the evidence in light of reason, common sense, and experience.

JURY INSTRUCTION NO.: _____

EXPERT WITNESS¹⁰

A witness qualified as an expert by education or experience may state opinions on matters within that witness's field of expertise, and may also state reasons for those opinions.

Expert opinion testimony should be judged just as any other testimony. You are not bound by it. You may accept or reject it, in whole or in part, and you should give it as much credibility and weight as you think it deserves, considering the witness's qualifications and experience, the reasons given for the opinions, and all other evidence in the case.

JURY INSTRUCTION NO.: _____

NO TRANSCRIPT AVAILABLE TO JURY; TAKING NOTES¹¹

At the end of the trial you will have to make your decision based on what you recall of the evidence. You will not be given a written transcript of any testimony; you should pay close attention to the testimony as it is given.

You have been provided with note pads and pens. The court encourages you to take notes during the trial if you wish to do so. Do not let note taking distract you so that you miss hearing or seeing other testimony. You may use your notes during your deliberations

¹⁰ **SOURCE:** Bench Book for Superior Court Judges; Standard 25, RAJI (Criminal) 3rd; Preliminary 6, RAJI (Civil) 5th; Preliminary 11, RAJI (Criminal) 6th.

¹¹ **SOURCE:** Bench Book for Superior Court Judges; Preliminary 8, RAJI (Civil) 5th modified; Preliminary 12, RAJI (Criminal) 6th.

at the end of the trial. Until then, keep your notes to yourself. During recesses in the trial, you may leave your notes on your seat. Your notes are confidential and my court officer will guard them. No one will be allowed to read your notes. Whether you take notes or not, you should rely upon your own memory of what was said and not be overly influenced by the notes of other jurors. After you have rendered your verdict, the court officer will collect your notes and destroy them.

Do not be influenced at all by my taking notes at times. What I write down may have nothing to do with what you will be concerned with at this trial.

JURY INSTRUCTION NO.: _____

ADMONITION¹²

I am now going to say a few words about your conduct as jurors. I am going to give you some dos and don'ts, mostly don'ts, which I will call "The Admonition."

Do wear your juror badge at all times in and around the courthouse so everyone will know you are on a jury.

Each of you has gained knowledge and information from the experiences you have had prior to this trial. Once this trial has begun you are to determine the facts of this case only from the evidence that is presented in this courtroom. The law prohibits a juror from receiving evidence not properly admitted at trial. Therefore, do not do any research or make any investigation about the case on your own. Do not view or visit the locations where the events of the case took place. Do not consult any source such as a newspaper, a dictionary, a reference manual, television, radio or the Internet for information. If you have a question or need additional information, submit your request **in writing** and I will discuss it with the attorneys.

Do not talk to anyone about the case, or about anyone who has anything to do with it, and do not let anyone talk to you about those matters, until the trial has ended, and you have been discharged as jurors. This prohibition about not discussing the case includes

¹² **SOURCE:** Bench Book for Superior Court Judges; Preliminary 9, RAJI (Civil) 5th, modified; Preliminary 13, RAJI (Criminal) 6th.

using an electronic device such as a telephone, cell phone, smart phone, or computer, the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, website, social media or any other form of electronic communication for any purpose whatsoever, if it relates in any way to this case. This includes, but is not limited to, blogging about the case or your experience as a juror on this case, discussing the evidence, the lawyers, the parties, the court, your deliberations, your reactions to testimony or exhibits or any aspect of the case or your courtroom experience with anyone whatsoever, until the trial has ended, and you have been discharged as jurors. Until then, you may tell people you are on a jury, and you may tell them the estimated schedule for the trial, but do not tell them anything else except to say that you cannot talk about the trial until it is over.

One reason for these prohibitions is because the trial process works by each side knowing exactly what evidence is being considered by you and what law you are applying to the facts you find. As I previously told you, the only evidence you are to consider in this matter is that which is introduced in the courtroom. The law that you are to apply is the law that I give you in the final instructions. This prohibits you from consulting any outside source.

If you have cell phones, laptops or other communication devices, please turn them off and do not turn them on while in the courtroom. You may use them only during breaks, so long as you do not use them to communicate about any matter having to do with the case. You are not permitted to take notes with laptops, phones, tape recorders or any other electronic device. You are only permitted to take notes on the notepad provided by the court. Devices that can take pictures are prohibited and may not be used for any purpose.

It is your duty not to speak with or permit yourselves to be addressed by any person on any subject connected with the trial. If someone should try to talk to you about the case, stop him or her or walk away. If you should overhear others talking about the case, stop them or walk away. If anything like this does happen, report it to me or any member of my staff 520-383-6300 as soon as you can. To avoid even the appearance of improper conduct, do not talk to any of the parties, the lawyers, or the witnesses about anything until the case

is over, even if your conversation with them has nothing to do with the case. So, again, please avoid even the appearance of improper conduct.

The lawyers and parties have been given the same instruction about not speaking with you jurors, so do not think they are being unfriendly to you. When you go home tonight and family and friends ask what the case is about, remember you cannot speak with them about the case. All you can tell them is that you are on a jury, the estimated schedule for the trial, and that you cannot talk about the case until it is over.

In a civil case, the jurors are permitted to discuss the evidence during the trial while the trial progresses. In a criminal case such as this, however, the jurors are not permitted to discuss the evidence until all the evidence has been presented and the jurors have retired to deliberate on the verdict. You may not discuss the evidence among yourselves until you retire to deliberate on your verdict. Therefore, during breaks and recesses whether you are assembled in the jury room or not, you shall not discuss any aspect of the case with each other until the case is submitted to you for your deliberations at the end of the trial. Again, if you have a question or need additional information, submit your request in writing and I will discuss it with the attorneys.

During the trial, you are not to engage in any conduct that impairs or interferes with your ability to hear and understand the court proceedings.

Do not form final opinions about any fact or about the outcome of the case until you have heard and considered all of the evidence, the closing arguments, and the rest of the instructions I will give you on the law. Keep an open mind during the trial. Form your final opinions only after you have had an opportunity to discuss the case with each other in the jury room at the end of the trial.

Please advise me in writing immediately if you believe that any juror has violated any provision of this admonition.

Before each recess, I will **not repeat** the entire Admonition I have just given you. I will probably refer to it by saying, "Please remember the Admonition," or something like that. However, even if I forget to make any reference to it, remember that the Admonition still applies at all times during the trial.

JURY INSTRUCTION NO.: _____

PRESENCE OF AN OFFICER¹³

The presence of a Court officer or a corrections officer assigned to be present in the courtroom should not be considered by you for any purpose, nor should it influence your view of the evidence, or impact your deliberations in any way.

JURY INSTRUCTION NO.: _____

QUESTIONS BY JURORS¹⁴

If at any time during the trial you have difficulty hearing or seeing something that you should be hearing or seeing, or if you get into personal distress for any reason, raise your hand and let me know.

If you have any questions about parking, or other matters relating to jury service, feel free to ask one of the court staff. But remember that the Admonition applies to court staff, as it does to everyone else, so do not try to discuss the case with court staff.

If you have a question about the case for a witness or for me, write it down, but do not sign it. Hand the question to the Court Officer. If your question is for a witness who is about to leave the witness stand, please signal the Court Officer or me before the witness leaves the stand.

The lawyers and I will discuss the question. The rules of evidence or other rules of law may prevent some questions from being asked. If the rules permit the question and the answer is available, an answer will be given at the earliest opportunity. When we do not ask a question, it is no reflection on the person submitting it. You should attach no significance to the failure to ask a question. I will apply the same legal standards to your

¹³ **SOURCE:** Preliminary 15, RAJI (Criminal) 6th.

¹⁴ **SOURCE:** Bench Book for Superior Court Judges; Preliminary 11, RAJI (Civil) 5th; Preliminary 16, RAJI (Criminal) 6th.

questions as I do to the questions asked by the lawyers. If a particular question is not asked, please do not guess why or what the answer might have been.

JURY INSTRUCTION NO.: _____

ALTERNATE JURORS¹⁵

The law provides for a jury of 6 persons in a case such as this. We have more than 6 jurors so that, if a juror becomes ill or has a personal emergency, the trial can continue without that juror.

At the end of the case, alternate jurors will be determined by lot in a drawing held in open court. Please do not be concerned with who may or may not be chosen as an alternate at the end of the case.

JURY INSTRUCTION NO.: _____

CONSTITUTIONAL RIGHT NOT TO TESTIFY¹⁶

A defendant in a criminal case has a constitutional right to not testify at trial, and the exercise of that right cannot be considered by the jury in determining whether a defendant is guilty or not guilty.

JURY INSTRUCTION NO.: _____

STATEMENTS OF DEFENDANT¹⁷

If there is testimony in this case about what a defendant said to a law enforcement officer, you must not consider any such statements unless you determine beyond a reasonable doubt that the defendant made the statements voluntarily.

A defendant's statement to a law enforcement officer was not voluntary IF it resulted from the defendant's will being overcome by a law enforcement officer's use of

¹⁵ **SOURCE:** Bench Book for Superior Court Judges; Preliminary 13; RAJI (Civil) 5th, Preliminary 17, RAJI (Criminal) 6th.

¹⁶ **SOURCE:** Standard 15, RAJI (Criminal) 3rd; Preliminary 18, RAJI (Criminal) 6th.

¹⁷ **SOURCE:** Standard 6, RAJI (Criminal) 3rd; Preliminary 19, RAJI (Criminal) 6th.

any sort of violence, coercion, or threats or by any direct or implied promise, however slight.

You must give such weight to the defendant's statement as you feel it deserves under all the circumstances.

JURY INSTRUCTION NO.: _____

PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF¹⁸

The Nation has charged the defendant with a crime. The charge is not evidence against the defendant. You must not think the defendant is guilty just because the defendant has been charged with a crime. The defendant has pled "not guilty." The defendant's plea of "not guilty" means that the Nation must prove every part of the charge beyond a reasonable doubt.

The law does not require a defendant to prove innocence. Every defendant is presumed by law to be innocent.

The Nation has the burden of proving the defendant guilty beyond a reasonable doubt. In civil cases, it is only necessary to prove that a fact is more likely true than not or that its truth is highly probable. In criminal cases such as this, the Nation's proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find him/her guilty. If, on the other hand, you think there is a real possibility that he/she is not guilty, you must give him/her the benefit of the doubt and find him/her not guilty.

In deciding whether the defendant is guilty or not guilty, do not consider the possible punishment.

¹⁸ **SOURCE:** Standard 5a and 5b(1), RAJI (Criminal) 3rd; *State v. Portillo*, 182 Ariz. 592, 596, 898 P.2d 970, 974 (1995); Preliminary 20, RAJI (Criminal) 6th.

JURY INSTRUCTION NO.: _____

THE CHARGED OFFENSE¹⁹

To assist you in considering the evidence that will be presented during the trial, I will now tell you about the crime[s] with which the defendant is charged. The defendant is charged with one count _____, one count of _____, one count of _____, and one count of _____, under the Statutes of the Tohono O’odham Nation.

The defendant has pled “not guilty” to these charges. The Nation must prove each element of the charged crime beyond a reasonable doubt. I will give you more details and definitions about the alleged crime in the final jury instructions.

JURY INSTRUCTION NO.: _____

SEPARATE COUNTS²⁰

Each count charges a separate and distinct offense. You must decide each count separately on the evidence with the law applicable to it, uninfluenced by your decision on any other count. You may find that the Nation has proved beyond a reasonable doubt, all, or some or none of the charged offenses. Your finding for each count must be stated in a separate verdict.

JURY INSTRUCTION NO.: _____

JURY NOT TO CONSIDER PENALTY

You must decide whether the defendant is guilty or not guilty for each charge, by determining what the facts in the case are and applying these jury instructions. You must not consider the possible punishment when deciding on guilt; punishment is left to the judge.

¹⁹ **SOURCE:** Rule 18.6(c), Arizona Rules of Criminal Procedure; Preliminary 22, RAJI (Criminal) 6th.

²⁰ **SOURCE:** RAJI (Criminal No. 35 (1996); *State v. Hoskins*, 199 Ariz. 127, 145 (2000); *State v. Parra*, 10 Ariz. App. 427 (1969); Standard 30, RAJI (Criminal) 6th.

JURY INSTRUCTION NO.: _____

SCHEDULING DURING TRIAL²¹

The trial is expected to last through the end of the day. We will all do our best to move the case along, but delays frequently occur. These won't be anyone's fault, so don't hold them against the parties. Delays usually occur because the attorneys and I often need to resolve certain legal matters before these matters may be presented to you in court or because I am busy with matters in other cases.

The usual hours of trial will be from 9:00 a.m. to 4:00 p.m. We will take short recesses about every mid-morning and mid-afternoon and occasionally stretch breaks in place. Unless a different starting time is announced prior to recessing for the evening, you may assume a starting time of 8:00 a.m. for the next day. At the beginning of the day, please assemble in the jury room for this division. Please do not come back into the courtroom until you are called by the court officer.

JURY INSTRUCTION NO.: _____

ORDER OF TRIAL²²

Criminal trials generally proceed in the following order:

First, the prosecution will make an opening statement giving a preview of the case. The defense may make an opening statement outlining the defense case immediately after the prosecutor's statement, or it may be postponed until after the Nation's case has been presented. What is said in opening statements is not evidence. Nor is it an argument. The purpose of an opening statement is to help you prepare for anticipated evidence.

Second, the Nation will present its evidence. After the Nation finishes the presentation of its evidence, the defendant may present evidence. If the defendant does produce evidence, the Nation may present additional, or rebuttal, evidence. With each

²¹ **SOURCE:** Bench Book for Superior Court Judges; Preliminary 15, RAJI (Civil) 5th; Preliminary 23, RAJI (Criminal) 6th.

²² **SOURCE:** Bench Book for Superior Court Judges; Rule 19.1(a), Arizona Rules of Criminal Procedure; Preliminary 24, RAJI (Criminal) 6th.

witness, there is a direct examination, a cross-examination by the opposing side, and, finally, redirect examination. This usually ends the testimony of that witness.

Third, after all the evidence is in, I will read and give you copies of the final instructions, the rules of law you must follow in reaching your verdict.

Fourth, the attorneys will make closing arguments to tell you what they think the evidence shows and how they think you should decide the case. The Nation has the right to open and close the argument since the Nation has the burden of proof. Just as in opening statements, what is said in closing arguments is not evidence.

Fifth, you will deliberate in the jury room about the evidence and rules of law in an effort to reach the verdict[s]. If you unanimously agree upon the verdict[s], [it] [they] will be read in court with you and the parties present.

Finally, you will be discharged and released from the Admonition.

The rules of law I have shared with you these past few minutes are preliminary only. At the end of the case I will read to you and give you a copy of the final instructions of law. In deciding the case you must be guided by the final instructions.

JURY INSTRUCTIONS AFTER TRIAL HAS CONCLUDED

JURY INSTRUCTION NO.: _____

EXCUSING ALTERNATE JUROR

_____ (name of alternate juror) you name has been drawn by lot as an alternate juror. While you are physically excused from your service as a juror at this time, there remains the possibility that you may be called back to Court to deliberate should one of the other jurors be unable to continue. The Court Officer will retain your notes and notebook for your use if you are called back. The Admonition continues to apply to you. Please do not discuss this case with anyone or let anyone talk to you about it until someone from my office notifies you a verdict has been reached.

JURY INSTRUCTION NO.: _____

JURY FOREPERSON²³

When you go to the jury room, you will choose a foreperson.

The role of the jury foreperson is important, but please remember that the foreperson's opinion about the case is not more important than that of the other jurors. The opinions of each juror count equally.

The jury foreperson's responsibilities include the following:

1. Make sure every member of the jury is present during all discussions and deliberations.
2. Preside over deliberations and make sure that the deliberations are conducted respectfully and that all issues are fully discussed. The discussions should be open and free so that every juror may participate.
3. All jurors should be allowed to state their views about the case and what they think the verdict should be and why.

²³ **SOURCE:** Standard 51, RAJI (Criminal) 6th.

4. All members must agree unanimously on any verdict. Therefore, the foreperson should count the votes to ensure that every juror has voted.
5. If you reach a verdict on a count, fill out the verdict form for that count. The entire jury must sign each Jury Verdict form.
6. If the jury reaches a verdict on all counts, the foreperson will inform the Court Officer. When the jury returns to the courtroom, the Court Officer will bring all the verdict forms and any question forms that may have been used, to the Judge.
7. When you return to the courtroom, the Court will ask the foreperson whether the jury has reached any verdict. The foreperson will respond with a “yes” or a “no.” The foreperson is not expected to read any verdict to the Court; that will be done by the Judge.

JURY INSTRUCTION NO.: _____

CLOSING INSTRUCTION²⁴

The case is now submitted to you for a decision. When you go to the jury room you will choose a Foreperson. He or she will preside over your deliberations.

After selecting a Foreperson, you should be aware of time and discuss a deliberation schedule. You are in charge of your schedule, and may set and vary it by agreement amongst yourselves. Once you have a schedule, please forward it to the Court Officer, so they can give it to the Judge.

You are to discuss the case and deliberate only when all jurors are together in the jury room. You are not discuss the case with each other or anyone else during breaks or recesses. The admonition I have given you at the beginning remains in effect when all of you are not in the jury room deliberating.

After setting your schedule, it is suggested that you review the written jury instruction and verdict forms. It may be helpful for you to discuss the instructions and verdict forms to make sure that you understand them. Again, during your deliberations

²⁴ **SOURCE:** Standard 52, RAJI (Criminal) 6th.

you must follow the instructions and refer to them to answer any questions about applicable law, procedure and definitions.

Should any of you, or the jury as a whole, have a question for me during your deliberations or wish to communicate with me on any other matter, please utilize the jury question form that we will provide you. Your question or message must be communicated to me in writing and must be signed by the person asking the question or the jury foreperson.

I will consider your question or note and consult with counsel before answering it in writing. I will answer it as quickly as possible.

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat rooms, blogs, website or social media to communicate to anyone any information about this case or to conduct any research about this case until you are discharged.

Remember that you are not to tell anyone, including me, how you stand, numerically or otherwise, until after you have reached a verdict or have been discharged.

All six of you must agree on each verdict. You must be unanimous. Once all six agree on a verdict, only the Foreperson need sign the verdict form on the line marked "Foreperson."

You will be given three verdict forms, one for each count. The verdict forms read as follows and there is no significance in the order in which the options of "guilty" or "not guilty," are listed on the verdict forms.