



MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE
Meeting Minutes of:
Friday, August 26, 2022
Held via WebEx

Attendees: Justice Samour (Chair), Judge Freyre (Vice Chair), Chief Judge Blanco, Judge Randall, Judge Tuttle.

Staff: Jeremy Beck (Reporter).

I. Approval of Minutes

The Committee approved the minutes for the February 18, 2022, meeting.

II. Beyond a Reasonable Doubt

The Committee discussed revising its existing instruction defining the phrase “beyond a reasonable doubt” (Instruction E:03). After robust debate, and relying largely on Justice Ginsburg’s concurrence in *Victor v. Nebraska*, 511 U.S. 1 (1994), the Committee agreed to modify the existing “hesitate to act” language and to instead define proof beyond a reasonable doubt as “proof that leaves you firmly convinced of the defendant’s guilt.” Furthermore, the Committee decided to clarify that the reasonable doubt standard is more demanding than other burdens of proof (“more likely true than not” and “highly probable”); however, it chose not to explicitly refer to these burdens as those that arise in civil cases. The Committee tasked the Chair and the Reporter to finetune the instruction in light of the agreed-upon revisions, with plans to finalize it at a subsequent meeting or via email.

The Chair adjourned the meeting at 4:40 p.m.