



MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE
Meeting Minutes of:
Thursday, April 19, 2012
3:00 – 5:00 p.m.
Held at the Supreme Court – 8th floor conference room

Attendees:

Justice Coats (Chair), Judge Dailey (Vice Chair), Judge Lichtenstein (Vice Chair), Judge Egelhoff, Judge Tuttle, and Judge Warner

Telephone participants:

Judge Burback, Judge Gilbert, Judge Greenacre, Judge Lammons, Judge Lemon, Judge Phillips, and Judge Robison.

Staff:

Andrew Field (Reporter), and Penny Wagner (Technical Support)

I. Approval of Minutes

The Committee approved the minutes for the March 15, 2012, meeting.

II. Proposed Revisions

After extensive discussion, the Committee decided to retain the current instruction and special verdict form for charges with lesser-included offenses: COLJI-Crim. E:13, E:14, (2008). However, the Committee eliminated a conflict between the two forms by revising the language of the instruction so that it accurately describes the options that are available on the special verdict form (i.e., a finding of guilt as to any one offense, or a finding of not guilty as to the greater offense and all lesser-included offenses).

The Committee asked the Reporter to conduct additional research to determine whether it would be appropriate to draft special instructions that could be used when a jury: (1) unanimously agrees the defendant is not guilty of the greater offense (and, possibly, one or more lesser-included offenses); and (2) becomes deadlocked as to a lesser-included offense.

The Committee approved, preliminarily, the Reporter's proposed explanatory comments for the modified-*Allen* instruction: COLJI-Crim. E:17 (2008). In addition, the Committee directed the Reporter to make nonsubstantive edits to the language of the instruction.

The Committee agreed that it would be helpful for the Reporter to continue submitting detailed explanatory comments so that the Committee has the benefit of the research and analysis. However, the Committee may shorten or delete some of the comments prior to publication.

III. Next Meeting

The next meeting will be held in the same location, at the same time, on Thursday, May 17, 2012.

The Chair will set an agenda and have the Committee Reporter distribute relevant written materials in advance of the meeting.

The Chair adjourned the meeting at 4:57 p.m.

Respectfully submitted,

Andrew Field, Reporter.