

## **Jury Instructions**

Members of the jury, I will now instruct you on the law that applies to this case. Each of you has a copy of these instructions to use in the jury room. You must decide what the facts are. It is up to all of you, and you alone, to decide what happened, based only on the evidence that has been presented to you in trial. Do not let bias, sympathy, prejudice or public opinion influence your decision. Bias includes, but, is not limited to bias for or against the witnesses, attorneys, defendants, or alleged victim based on disability, gender, nationality, national origin, race or ethnicity, religion, gender identification, sexual orientation, age or socioeconomic status.

You must follow the law as I explain it to you, even if you disagree with it. If you believe that the attorney's comment on the law conflicts with my instructions you must follow my instructions to the letter.

Pay close attention to all of these instructions and consider them together. If I repeat any instruction or idea do not conclude that it is more important than any other instruction or idea just because I repeat it. Some words or phrases used during this trial have legal meaning that may differ from their meaning in everyday life. These words and phrases will be specifically defined in these instructions. Please be sure to listen carefully and follow the instructions that I give you. Words and phrases not specifically defined in these instructions are to be applied using your ordinary everyday meaning. Some of these instructions may not apply depending on

your findings about the facts of the case. Do not assume just because I give a particular instruction that I suggest to you anything about the facts. After you have discussed what the facts are — after you've decided what the facts are, follow the instructions that do apply to the facts as you find them. Do not do any kind of research on your own or as a group. Do not use a dictionary, the internet or other reference materials. Do not investigate the facts or the law. Do not conduct any experiment or visit the scene of any event involved in this case. If you happen to pass by the scene, do not stop or investigate in any way.

You have been given notebooks and may have taken notes during the trial. You may use your notes during deliberation. The notes are for your own individual use to help you remember what happened during the trial. Please keep in mind that your notes may be inaccurate or incomplete. If there is a disagreement about the testimony or stipulations at trial, you may ask that the court reporter's record be read to you. It is the record that must guide your deliberation, not your notes. Please do not remove your notes from the jury room. At the end of the trial your notes will be collected and destroyed.

Both defendants in this case are charged with the same crimes. You must separately consider the evidence as it applies to each defendant. You must decide each charge for each defendant separately. If you cannot reach a verdict on both of the defendants

or on any of the charges against any defendant, you must report your disagreement to the Court and you must return your verdict on any defendant or charge on which you have unanimously agreed. Unless I tell you otherwise, all instructions apply to each defendant. The fact that a criminal charge has been filed against the defendants is not evidence that the charge is true. You must not be biased against the defendants just because they have been arrested, charged with a crime or brought to trial. A defendant in a criminal case is presumed to be innocent. This presumption requires that the People prove a defendant's guilt beyond a reasonable doubt. Whenever I tell you the People must prove something, I mean they must prove it beyond a reasonable doubt unless I

specifically tell you otherwise. Proof beyond a reasonable doubt is proof that leaves you

with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt. In deciding whether the People have proved their case beyond a reasonable doubt you must impartially compare and consider all the evidence that was received throughout the entire trial. Unless the evidence proves the defendants guilty beyond a reasonable doubt — sorry, let me start again.

Unless the evidence proves the defendants guilty beyond a reasonable doubt they're entitled to acquittals and you must, I repeat, must find them not guilty. You must decide what the facts are in this case. You must use only the evidence that was

presented in this courtroom. Evidence is the sworn testimony of witnesses, the exhibits admitted into evidence and anything else I told you to consider as evidence. Nothing that the attorneys say is evidence. In their opening statements and closing arguments the attorneys discuss the case, but, their remarks are not evidence. Their questions are not evidence, only the witness's answers are evidence. The attorneys' questions are significant only if they help you to understand the witness's answer. Do not assume that something is true just because one of the attorneys asked a question that suggests it is true. Remember the magnitude of the responsibility you have been granted. You hold the freedom and future of these two individuals in your hands. It will be up to you, and only you, to make sure that our country's justice system functions as it should and returns the correct verdict. Listen carefully, and make the right choice.