

Criminal Jury Instructions Committee

Minutes – December 6, 2019

Present in Person (6):

Mikel Steinfeld
Steve McCarthy
Carlos Carrion
Elizabeth Bingert
Michael Breeze
Jennifer Linn
Leonard Ruiz

Present Telephonically (6):

Karen Komrada
David Euchner
Hon. Danelle Liwski
Hon. Maria Brewer
Robb Holmes
Sarah Mayhew

Absent (10):

Hon. Patricia Starr
Todd Lawson
Shawn Steinberg
William Wallace
Hon. James P. Beene
Bruce Chalk
Hon. Stephen Hopkins
Hon. Jason Holmberg
Michael Breeze
Paul Hawkins
Jamiel Allen

1. Call to Order by Carlos Carrion: 1:42PM

- a. Later start due to waiting for quorum
- b. Discussion regarding email Euchner sent off list about Title 28 misdemeanors
- c. Euchner suggests forming a subcommittee to determine misdemeanor crimes that are jury triable – limited jurisdiction judges may appreciate it
- d. Ruiz suggests we consult with former RAJI committee member Jim Blake who has experience in limited jurisdiction courts
- e. Carrion volunteers to chair the limited jurisdiction subcommittee – other interested members are to contact Carrion

2. Agenda Items:

- a. Discussion regarding minutes from 11/22/19 meeting
 - i. “Stein” corrected to Steinfeld on last page of minutes – item 4(b) of 11/22/19 minutes.
 - ii. Minutes approved unanimously as modified
- b. Revisiting First Degree Murder of Law Enforcement Officer 11.05A3
 - i. Euchner recommends following Judge Fink’s proposal
 - ii. Steinfeld moves to approve
 - iii. Euchner second
 - iv. Motion passes unanimously
- c. Burden of Proof on Aggravating Factor of Permanently Incurable (Breeze Proposal)
 - i. Euchner moves to table this discussion
 - ii. Steinfeld second
 - iii. Motion passes unanimously
- d. New business – Reckless Driving discussion regarding merging Carrion proposal with Ruiz proposal
 - i. Euchner comments that this new business was not on the agenda – point of procedure
 - ii. Discussion ends
- e. More discussion regarding subcommittee for jury eligible misdemeanors
 - i. Carrion calls for vote in favor of subcommittee
 - ii. Motion passes unanimously
 - iii. Carrion volunteers to chair
 - iv. Ruiz will contact Jim Blake
 - v. RAJI committee members will email Carrion if they want to join this subcommittee
- f. Standard Criminal 52 and Prelim 13 brought up by Bingert
 - i. Standard Crim 52 - Paragraph missing on new closing instruction that used to be there – the missing paragraph discussed not using social media

1. Bingert proposes language update – proposal is an update regarding social media and dated technology
 2. Bingert moves to have paragraph re “considering questions or notes” above paragraph at issue
 3. Carrion second
 4. No vote
 5. Bingert moves to adopt all changes
 6. Linn second
 7. All changes approved unanimously for Standard Crim 52
- ii. Prelim 13 – Bingert comments that we also need to update the admonition
 1. Bingert moves to make similar changes to Prelim 13
 2. Linn second
 3. Motion passes unanimously
- g. Wrap-up
 - i. Instructions will be circulated and comments likely by 2/14/2020
 - ii. Next meeting will have a tentative March date
 - h. Call to Public Completed
 - i. Adjourn
 - i. Euchner moves to adjourn
 - ii. Bingert second
 - j. Adjourn 2:23pm