



MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE
Meeting Minutes of:
Thursday, October 18, 2012
3:00 – 5:00 p.m.
Held at the Supreme Court – 8th floor conference room

Attendees:

Justice Coats (Chair), Judge Dailey (Vice Chair), and Judge Lichtenstein (Vice Chair).

Telephone participants:

Judge Greenacre, Judge Lammons, Judge Robison, and Judge Warner.

Staff:

Andrew Field (Reporter), and Penny Wagner (Court Services Analyst).

I. Approval of Minutes

The Committee approved the minutes for the September 20, 2012, meeting.

II. Reporter's Update

The Reporter reviewed the most recent revisions, and the proposed draft materials posted on the Committee's secure web site since the last meeting: Chapter 6.5 (crimes against at-risk adults and juveniles)

III. Affirmative Defenses

After further discussion of the burden of proof language that was considered at the September meeting, there was still a substantial division of opinion concerning the final paragraph of the affirmative defense instructions (explaining how the jury is to proceed if it finds that the prosecution has proved that the defendant's conduct was not legally authorized by the defense). To resolve this impasse, the Chair will have the Reporter draft a memorandum summarizing the arguments for and against each proposal.

The Committee approved (subject to final review prior to publication) all of the other proposed revisions to the generally applicable affirmative defense instructions (Instructions H:01 to H:28).

IV. Next Meeting

The next meeting will be held in the same location, at the same time, on Thursday, November 15, 2012.

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

The Chair adjourned the meeting at 4:58 p.m.

Respectfully submitted,

Andrew Field, Reporter.