

MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE

Meeting Minutes: Friday, February 2, 2024

Held via Webex

Attendees: Justice Samour (Chair), Judge Freyre (Vice Chair), Judge Tow (Vice Chair), Judge Randall, Judge Schock, Judge Tuttle.

Staff: Jeremy Beck (Reporter).

I. Approval of Minutes

The Committee approved the minutes for the meeting of December 1, 2023.

II. *Counterman v. Colorado*

Following up on the December 2023 meeting, the Committee approved a new special instruction (Instruction 3-6:04.5.SP) in light of *Counterman v. Colorado*, 143 S. Ct. 2106 (2023), to be applied in stalking cases where “communications” are at issue.

III. Unconscious Bias

The Committee reviewed, revised, and approved new language in Instructions B:01 and E:01 informing jurors about the possibility of unconscious bias.

IV. Miscellaneous Instructions

The Committee reviewed and approved the Reporter’s minor revisions to various instructions.

The Chair adjourned the meeting at 3:52 p.m.