

**UTAH JUDICIAL COUNCIL
STANDING COMMITTEE ON MODEL UTAH CRIMINAL JURY INSTRUCTIONS
MEETING MINUTES**

Via Webex
January 4th, 2023 – 12:00 p.m. to 1:30 p.m.

COMMITTEE MEMBER:	ROLE:	PRESENT	EXCUSED	GUESTS:
Hon. James Blanch	District Court Judge [Chair]	•		None
Hon. Brendan McCullagh	Justice Court Judge	•		
Sandi Johnson	Prosecutor	•		STAFF:
Jennifer Andrus	Linguist/Communications Professor		•	Bryson King
Hon. Linda Jones	Emeritus District Court Judge	•		
Hon. Teresa Welch	District Court Judge	•		
Sharla Dunroe	Defense Attorney		•	
Janet Lawrence	Defense Attorney	•		
Jeffrey Mann	Prosecutor	•		
Richard Pehrson	Prosecutor	•		
Dustin Parmley	Defense Attorney	•		
Freyja Johnson	Defense Attorney	•		
Brian Williams	Prosecutor	•		

(1) WELCOME AND APPROVAL OF MINUTES:

Judge Blanch welcomed the committee to the meeting. The committee reviewed December 7th, 2022 meeting minutes. Richard Pehrson moved to approve the minutes. Judge McCullagh seconded that motion. With no objection, the motion passes and the minutes are approved.

(2) AGENDA ITEM 2: AVOIDING BIAS INSTRUCTION

Judge Blanch informed the committee that after meeting with the Judicial Council, a member of the Council asked whether the MUJI Criminal Committee had considered taking on a project for “avoiding bias,” given that the MUJI Civil Committee had already done so. Various members of the committee expressed objection to taking on the project, largely centered on the point that our instructions already cover guidance on bias during deliberations. Committee members also shared their experiences using the instructions to inform jurors about bias in particular cases and using the voir dire process to prevent empaneling biased jurors. Judge Blanch asked whether anyone was in favor of adopting a more detailed “avoiding bias” instruction. No committee member voted in favor of that proposal. Judge McCullagh and Judge Blanch proposed an amendment to instruction 202 that would give more direction to jurors on implicit and unconscious bias by adding the language. Sandi Johnson objected to the proposal, arguing it would not add value to deliberations and would be unlikely to cause a juror to reflect on their implicit bias and proposed an alternative amendment to the language in the

instruction. With the incorporated amendments, Dustin Parmley moved to amend CR202, and Judge McCullagh seconded the motion. No members opposed the motion. The motion passes and CR202 will be amended.

(3) AGENDA ITEM 3: IMPERFECT SELF-DEFENSE INSTRUCTION

Jeff Mann leads the discussion on imperfect self-defense and reviews the amendments to the instruction with the committee members. Sandi Johnson proposed changing language about reduction of the level of offense to language about changing the offense, given the recent statutory changes. Sandi also proposed a change to the special verdict form to create a selection box for the jurors to use to say we are unable to reach a unanimous agreement on whether the State has failed to prove that the defense of imperfect self-defense does not apply. After some discussion, the committee decides to incorporate “Has” and “Has Not” check boxes and incorporate language about whether the jury finds that the State proved beyond a reasonable doubt that the defense of imperfect self-defense does not apply. Brian Williams then moved to approve the changes to the imperfect self-defense instructions and special verdict form and Judge McCullagh seconded the motion. No members opposed the motion. The motion passes. The committee then turned its attention to discussing the subjective-objective standard in the instruction and using language to represent whether the defendant’s belief was reasonable and their conduct was proportionate.

(4) ADJOURN

The meeting adjourned at approximately 1:30 p.m. The next meeting will be held on February 1st, 2023, starting at 12:00 noon.