

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

Via Webex
April 5th – 12:00 p.m. to 1:30 p.m.

COMMITTEE MEMBER:	ROLE:	PRESENT	EXCUSED	GUESTS:
Hon. Teresa Welch	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		•	
VACANT	District Court Judge	N/A	N/A	
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 Welch welcomed the committee to the meeting and began the meeting at approximately 12:10 p.m.

Richard Pehrson moved to approve the minutes and Janet Lawrence seconded. Without objection, the motion carries.

(2) AGENDA ITEM 2: FINAL REVIEW OF CR444

Judge Welch then requests the committee make a final review of CR444 and asks if any members have recommended changes or revisions. Without any additional recommendations to change or modify the draft instruction, CR444 is approved and will be published.

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

Judge Welch then turns the committee’s attention to State v. Low, 192 P.3d 867 (2008) and State v. Cabututan, 508 P.3d 1003 (2022), case law addressing the standard and applications of the imperfect self-defense theory. Judge Welch introduces a proposal for creating a definitional instruction for imperfect self-defense and proposes a draft instruction, indicating that we could title it CR534 or amend CR1451. After reviewing several paragraphs from the

case law, and reviewing the draft proposal instruction, Judge Welch asks the committee if CR1451 is sufficient or if the committee should continue its work to draft a definitional instruction. Sandi Johnson addresses the committee and discusses the Cabututan case. She proposes that we add the four categories/circumstances listed in statute to the proposed instruction. Dustin Parmley also addresses the committee and offers a proposal for how to explain the imperfect self-defense theory. Jeff Mann suggests that the original CR1451 includes a definition similar to the one the committee may be proposing, and believes we should rely on that original definition, since it complies with the statute. He directs the committee to State v. Bonds from this year to support his suggestion for limiting ourselves to what the law already states on the theory. The committee continues its discussion about the limitations on imperfect self-defense and suggests wording to the proposed instruction. After lengthy discussion with the committee, the consensus is to revise and renumber the existing instructions on imperfect self-defense as follows: CR1451 will become a definitional instruction for imperfect self-defense, CR1452 will become a stand-alone instruction on the burden of proof, and CR1453 will be an explanation instruction on the use of the special verdict forms. The committee will review these proposed instructions prior to the next meeting and will make final motions on the proposals at that time.

(7) ADJOURN

The meeting was adjourned at 1:30p.m. and the next meeting will be held on May 3rd, 2023 via Webex.