

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

Via Webex
May 3rd, 2023 – 12:00 p.m. to 1:30 p.m.

DRAFT

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			
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. Freyja Johnson moved to approve the minutes from the last meeting. Richard Pehrson seconded. With no opposition to the motion, the motion carries and the minutes are approved.

(2) AGENDA ITEM 2: FINAL REVIEW OF CR1451, CR1452, AND CR1453

Judge Welch begins a discussion on the final review of CR1451, 1452, and 1453. Jeff Mann proposes a change to the 2nd paragraph of CR1451. Janet Lawrence addresses the standard of review for jury instructions and how to clarify and simplify an instruction’s description of the law for jury members. Jeff Mann suggests an edit to Janet’s proposal to the instruction. Judge McCullagh requests the Committee provide an example of where imperfect self-defense might apply. Janet Lawrence gives an example where an individual who has lived in another state where lethal force for defense of habitation is permitted, but then moves to Utah where lethal force for defense of habitation is not permitted, and kills another person under that mistaken belief of law. Janet also provides an example of disproportionate use of force. Richard Pehrson references a case he worked on where an individual in a vehicle was attacked by a person who used their skateboard as a weapon. The driver thought he could use lethal force (gun) against the skateboarder to defend his vehicle. The jury in that case found imperfect self-defense for disproportionate use of force. The committee votes to adopt changes suggested by Jeff Mann.

The committee makes additional edits to the “References” section of CR1451. Judge McCullagh moves to adopt the changes to CR1451. Jeff Mann seconds. With no opposition, the motion passes and CR1451 will be published.

Judge Welch asks if any Committee members would like to address CR1452 or CR1453. Judge McCullagh moves to approve CR1452. Janet Lawrence seconds. With no opposition, the motion passes and CR1452 will be published.

The Committee then turns to CR1453 to address Sharla Dunroe’s proposed changes. Sharla suggests that the two paragraphs in the instruction run parallel to each other to reflect the State’s burden to disprove the application of the defense. Judge McCullagh moves to approve the amendment to CR1453. Sharla Dunroe seconds. With no opposition, the motion passes and CR1453 will be published.

(3) ADJOURN

The meeting adjourned at approximately 1:30 p.m. The next meeting will be held on June 7, 2023, starting at 12:00 noon.