

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

Hybrid Meeting  
Judicial Council Room and Webex  
October 4<sup>th</sup>, 2023 – 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	•		<b>STAFF:</b>
Jennifer Andrus	Linguist/Communications Professor	•		Bryson King
Hon. Linda Jones	Emeritus District Court Judge		•	
Hon. Matthew Bates	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		•	
[Vacant]	Prosecutor	N/A	N/A	

**(1) WELCOME AND APPROVAL OF MINUTES:**

Judge Welch welcomed the committee to the meeting. She begins by discussing the membership composition of the Committee and announces Sandi Johnson will be leaving the Committee. The Committee thanks Sandi for her exceptional work and years of service. The Committee reviews the August meeting minutes. Jeffrey Mann moves to approve the minutes and Richard Pehrson seconds the motion to approve the August meeting minutes. Without opposition, the motion is approved, and the minutes will be published.

**(2) AGENDA ITEM 2: ADVERSE INFERENCE INSTRUCTION**

Judge Welch turns to Janet Lawrence to address the next item of business: jury instruction on adverse inference. Janet reviews relevant caselaw to the instruction and sister state’s adoption of similar instructions. The Committee discusses whether to move forward with a general adverse inference instruction, or one tailored to body-worn cameras, as discussed in relevant caselaw and statute. The Committee moves forward with its discussion on an instruction focused on body-worn cameras. The Committee will resume discussion on a general adverse inference instruction at a later date. After considerable discussion, Dustin Parmley will draft a proposed discussion for the Committee to review at the next meeting.

**(3) AGENDA ITEM 3: CR1321 AGGRAVATED ASSAULT BY A PRISONER INSTRUCTION**

Judge Welch next asks Jeffrey Mann to lead the discussion on modifying the Aggravated Assault by a Prison instruction to conform with the elements language of Aggravated Assault. The Committee recommends formatting changes and proposed language. Richard Pehrson moves to approves the changes to CR1321 and CR1320, and Judge McCulloch seconds the motion. Without opposition, the proposed changes are approved and will be published.

**(7) ADJOURN**

Prior to adjourning the meeting, Bryson King addresses Jeffrey Mann's question regarding public comment for published rules and how often the Committee notifies the public of amended or new instructions. The Committee will address at its next meeting how often we will issue public comment notices for amended or new instructions. The meeting adjourned at approximately 1:30 p.m. The next meeting will be held on November 1, 2023, starting at 12:00 noon.