

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

Via Webex  
March 6, 2024 – 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	•		
Jennifer Andrus	Linguist/Communications Professor	•		<b>STAFF:</b>
Hon. Linda Jones	Emeritus District Court Judge		•	Bryson King
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	•		
McKay Lewis	Prosecutor	•		
Nic Mills	Prosecutor	•		

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

Judge Welch welcomed the committee to the meeting. The Committee reviewed the minutes from its last meeting and Richard Pehrson moved to approve the minutes. Nic Mills seconded the motion. Without objection, the motion is approved, and the minutes will be published. Judge Welch then asked whether the Committee had received comments from published instructions CR1102 and CR1103. Bryson King indicated that no comments had been posted on the website yet, but that the comment period would end on March 31<sup>st</sup>. The Committee agreed to make changes to the titles of the CR1102 and CR1103, as displayed on the MUJI websites, to clarify that CR1102 is for 3<sup>rd</sup> degree felony cases and CR1103 is for 2<sup>nd</sup> degree felony cases.

**(2) AGENDA ITEM 2: PROPOSED CR1006: DRIVING WITH A MEASURABLE CONTROLLED SUBSTANCE INSTRUCTION**

Judge Welch then asked McKay Lewis to continue his discussion on a proposed instruction for driving with a measurable controlled substance. McKay then reviewed the committee’s work on the instruction from the last meeting. Janet Lawrence asked whether the committee should include language in the instruction about actual physical control of a vehicle. Judge McCullagh suggested we include a separate instruction that defines that term. Judge McCullagh also suggested a change to the committee notes in the instruction that distinguishes the instruction from offenses under Title 41, Chapter 6a of the Utah Code. Following review of the proposed

instruction, Judge McCullagh moved to approve the instruction and Freya Johnson seconded. Without opposition, the instruction is approved and will be published for public comment.

**(3) AGENDA ITEM 3: NEGLIGENTLY OPERATING A VEHICLE RESULTING IN INJURY**

McKay Lewis then begins discussing a proposed instruction for negligently operating a vehicle resulting in injury. McKay asks the Committee to discuss where the proposed instruction should be nested on the website. After some discussion, the Committee suspends its discussion about the negligently operating a vehicle instruction and begins discussing how to organize the 1000 series instructions on the website to outline the remaining instructions the committee needs to work on. The Committee begins listing the instructions as they appear on the website, the instructions the Committee has approved for publishing, and the instructions the Committee anticipates it will work on and include on the website. The Committee briefly discusses the instruction refusal to submit blood draw to determine if the title is consistent with the verbiage of the statute. The Committee changes the title to "Refusing a Chemical Test of Blood Draw." The Committee also discusses whether to amend CR1001 and its admonishing regarding instructions/definitions on DUI-related concepts. The Committee will continue its work on the proposed organization of 1000 series instructions at its next meeting.

**(4) ADJOURN**

The meeting adjourned at approximately 1:30 p.m. The next meeting will be held on April 3, 2024, starting at 12:00 noon.