

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

Via Webex
January 8, 2025 – 12:00 p.m. to 1:30 p.m.

DRAFT

COMMITTEE MEMBER:	ROLE:	PRESENT	EXCUSED	GUESTS:
Hon. Teresa Welch	District Court Judge [Chair]	•		STAFF: Bryson King
[VACANT]	Justice Court Judge	N/A	N/A	
Dr. Jay Jordan	Linguist/Communications Professor		•	
Hon. Linda Jones	Emeritus District Court Judge	•		
Hon. Matthew Bates	District Court Judge	•		
[VACANT]	Defense Attorney	N/A	N/A	
Janet Lawrence	Defense Attorney	•		
Jeffrey Mann	Prosecutor	•		
Breanne Miller	Prosecutor	•		
[VACANT]	Defense Attorney	N/A	N/A	
Freyja Johnson	Defense Attorney	•		
McKay Lewis	Prosecutor	•		
Nic Mills	Prosecutor	•		

(1) WELCOME AND APPROVAL OF MINUTES: NOVEMBER 2024

Judge Welch welcomed the Committee and welcomed new members, Breanne Miller and Dr. Jay Jordan. Ms. Miller introduced herself to the Committee and described her work history. Dr. Jay Jordan was unavailable to meet with the Committee today. Judge Welch also informed the Committee that Sharla Dunroe's term had expired, and Dustin Parmley has resigned from the Committee, creating two vacancies for defense attorneys among the Committee. Announcements about that vacancies will go out soon. Bryson King is also waiting on the Board of Justice Court Judges to recommend a replacement for Judge McCullagh to fill the vacancy created from his appointment to the Judicial Council. After the introductions, Judge Welch requested a motion to approve the November minutes. Nic Mills moved to approve the minutes, with Freyja Johnson seconding the motion. Without opposition, the motion carries, and the minutes are approved. Judge Welch then asked the Committee to review the 2025 calendar to mark the dates the Committee will meet. In July, the Committee will not meet due to a conflict with the holidays.

(2) AGENDA ITEM 2: REVIEW OF PUBLIC COMMENTS TO CR1009

Judge Welch then asked the Committee to review CR1009, which was published for public comment. Nathalie Skibine posted a comment on CR1009 and the Committee reviewed her recommendation. After reviewing Ms. Skibine's recommendation, the Committee modified CR1006 and CR1009. Judge Welch called for a motion to

approve the amended instructions. Janet Lawrence moved to adopt the amendments and Freyja Johnson seconded the motion. Without opposition, the motion carries. After some discussion, the Committee determined to re-post the amended instructions for public comment and review any recommendations at its next meeting. McKay Lewis, who joined the meeting after the motion,

(3) AGENDA ITEM 3: REVIEW OF DUI SERIES PROPOSALS

Judge Welch then reviewed the Committee's "roadmap" of DUI series proposals and requested members of the Committee volunteer for assignments to amend or draft instructions from the roadmap. Judge Jones volunteered to draft CR1002, Definition of Actual Physical Control. The Committee determined to wait to develop an instruction for CR1007, Unanimity Instruction on DUI & Special Verdict Form, until the Supreme Court grants or denies cert on a pending appeal addressing that issue. Judge Bates volunteered to draft CR1012, Ignition Interlock. Breanne Miller volunteered to draft CR1013, Alcohol Restrict Driver. McKay Lewis volunteered to draft CR1015, Refusal as Evidence of Consciousness of Guilt. Janet Lawrence volunteered to draft CR1014, Driving on Alcohol or DUI Suspended License. Judge Welch then asked whether any other projects needed to be added to the roadmap. Judge Bates suggested the Committee draft an elements instruction for the offense of Open Container and Section 41-6a-504, Defense not available for driving under the influence violation. Nic Mills offered to draft an instruction for the Open Container offense and Section 41-6a-504. Breanne Miller suggested that the Committee draft an instruction on the offense of Tampering with an Ignition Interlock Device. Judge Bates volunteered to draft that instruction. Judge Welch then asked the Committee for any requests outside of the DUI series roadmap. McKay Lewis volunteered to start drafting instructions for Aggravated Burglary, which would fall under the CR1800 series, Burglary and Trespass. Breanne Miller volunteered to start drafting an amended CR1320, Aggravated Assault.

(4) ADJOURN

The Committee adjourned around 12:00p.m. The Committee's next meeting will be February 5th, 2025, from 12:00p.m. to 1:30p.m.