

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

Via Webex
November 6, 2024 – 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	
[VACANT]	Linguist/Communications Professor	N/A	N/A	
Hon. Linda Jones	Emeritus District Court Judge	•		
Hon. Matthew Bates	District Court Judge	•		
Sharla Dunroe	Defense Attorney		•	
Janet Lawrence	Defense Attorney	•		
Jeffrey Mann	Prosecutor	•		
[VACANT]	Prosecutor	N/A	N/A	
Dustin Parmley	Defense Attorney		•	
Freyja Johnson	Defense Attorney		•	
McKay Lewis	Prosecutor	•		
Nic Mills	Prosecutor		•	

(1) WELCOME AND APPROVAL OF MINUTES: OCTOBER 2024 MEETING

Judge Welch welcomed the Committee and reviewed the meeting schedule for the remainder of 2024 and through 2025. Judge Welch then reviewed the current vacancies on the Committee and updated the members regarding the nominations and appointments to fill those vacancies. Judge Welch then asked for a motion to approve the October 2024 meeting minutes. McKay Lewis moved to approve the minutes, with Judge Bates seconding. Without opposition, the minutes are approved.

(2) AGENDA ITEM 2: CR1005: NEGLIGENTLY OPERATING A VEHICLE RESULTING IN INJURY

Judge Welch then turned the Committee’s discussion to CR1005. McKay Lewis began by inviting discussion on whether the proposed instruction should be numbered CR1005 or another number. Judge Welch reviewed the DUI instructions roadmap with the Committee and then discussed the placement of CR1005 and made modifications to the roadmap. After discussion, CR1005 was renumbered to CR1009. McKay then reviewed two versions of the final proposed instruction for the Committee to consider. Judge Jones spoke in favor of the original final proposed instruction, developed by the Committee in its last meeting. Judge Bates also favored the original final proposed instruction. Judge Welch requested a motion on what version the Committee would adopt. McKay moved to approve the original final proposed instruction. Without opposition, the motion is approved. McKay then discussed whether to include a “Relevant Definitions” section and reviewed the

language of the Committee Note. Judge Bates and McKay offered two suggested modifications for the language in the Note that refers to CR505 on lesser-included offenses. After reviewing the suggestions, Judge Welch called for a vote from the Committee. Janet moved to approve the suggestion from McKay, and McKay seconded the motion. Finally, Judge Welch asked the Committee to review the final proposed instruction as a whole and asked for a motion to approve the instruction as final and publish. Jeff Mann moved to approve the final instruction and Judge Bates seconded the motion. Without opposition, the instruction is approved and will be published and distributed for public comment.

(3) AGENDA ITEM 3: CR1006 – AUTOMOBILE HOMICIDE

McKay then discussed CR1006 and asked whether the instruction should be placed in the DUI series or in the Homicide series of the current instructions. Before determining where the instruction should be placed, McKay reviewed the instruction's language. Judge Welch asked whether the element of negligence or criminal negligence would require jury unanimity. After some discussion, the Committee concluded that a reference to unanimity on the issue would not be required in the instruction. Judge Welch then requested a motion to approve the instruction as final and publish. Judge Bates moved to approve the instruction and McKay seconded the motion. Without opposition, the instruction is approved and will be published and distributed for public comment.

(4) ADJOURN

The Committee adjourned around 12:00p.m. The Committee's next meeting will be January 8th, 2025, from 12:00p.m. to 1:30p.m.