

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

Via Webex  
February 5, 2025 – 12:00 p.m. to 1:30 p.m.

**DRAFT**

COMMITTEE MEMBER:	ROLE:	PRESENT	EXCUSED	GUESTS:
Hon. Teresa Welch	District Court Judge [Chair]	•		<b>STAFF:</b> 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 JANUARY 2025 MINUTES**

Judge Welch welcomed the Committee and asked new Committee member, Dr. Jay Jordan, to introduce himself. Judge Welch then asked Bryson King to give an update regarding the vacant Justice Court Judge and Defense attorney positions on the Committee. Bryson informed the Committee that our new Justice Court Judge should be joining us for the March meeting, and the Judicial Council will be reviewing the applications for defense attorneys in March. Upon approval, the new defense attorneys will join in April. Judge Welch then asked the Committee to review the minutes from last month and called for a motion. Freyja Johnson moved to approve the minutes with McKay Lewis seconding that motion. Without opposition, the motion passes and the minutes are approved.

**(2) AGENDA ITEM 2: CR1006 & CR1009**

Judge Welch then turned the Committee's attention to CR1006 & CR1009, which were re-posted for public comment after receiving feedback from Ms. Skibine. Bryson King informed the Committee that no additional comments were submitted.

### **(3) AGENDA ITEM 3: CR1002: DEFINITION OF ACTUAL PHYSICAL CONTROL**

Judge Welch then asked Judge Jones to introduce her draft of CR1002: Definition of Actual Physical Control. Judge Jones reviewed the relevant statutory definitions for the terms “negligence,” “criminal negligence,” and “actual physical control.” Judge Jones mentioned that the terms “negligence” and “criminal negligence” are defined by statute and are reflected in published criminal instructions. Thus, the only other term that needs to be defined in our instructions is “actual physical control.” Judge Jones then introduced her draft for an instruction defining that term. Judge Welch asked for any thoughts or comments regarding the draft definition for CR1002. Without comments, Judge Welch requested a motion to approve the draft instruction. Nic Mills moved to approve the instruction. McKay Lewis then asked about the title of the instruction and whether it should be “Definition of Actual Physical Control” or “Actual Physical Control.” Judge Welch then asked McKay to explain the argument for what the title should be. McKay explained that in our published instructions, there are several terms defined in instructions that include the title “Definition of.” However, Janet Lawrence indicated that there are other instructions where the title of instructions defining terms simply have the term in the title, instead of including the phrase “Definition of.” Breanne Miller noted that instructions CR1202B, CR1207, and CR1301 include titles with the phrase “Definition of.” The Committee then continued its discussion about whether CR1002 should be consistent with the titles that include the phrase “Definition of” or consistent with the titles that don’t include the phrase “Definition of.” After extensive discussion, the Committee determined to keep the title, “Actual Physical Control.” Judge Welch then requested a motion to approve the instruction. McKay Lewis moved to approve the instruction, and Nic Mills seconded the motion. Without opposition the motion is approved and the instruction will be published for public comment.

### **(4) DUI SERIES ROADMAP UPDATE**

Following this vote, the Committee then re-reviewed the DUI series roadmap to update the projects in the series. The Committee also discussed removing CR1007 from the series roadmap and leaving it as a placeholder for another instruction based on the Supreme Court’s decision in *Cisse!* to deny cert on the case involving unanimity.

### **(5) AGENDA ITEM 4: OPEN CONTAINER**

Nic Mills then introduced his proposed draft instruction for Open Container. Judge Welch asked Nic where he believed the instruction should be placed in the DUI series and how it should be numbered. Nic offered that it should be numbered CR1016. Janet Lawrence, however, noted that there should be a separate instruction for drinking an alcoholic beverage while driving. Judge Welch then proposed that CR1016 would be Drinking an Alcoholic Beverage While Operating a Motor Vehicle and CR1017 would be Open Container in a Motor Vehicle. After renumbering, Judge Welch proposed that Nic draft separate instructions for CR1016 and CR1017 and return with these drafts at the next meeting.

### **(6) ADJOURN**

The Committee adjourned around 1:00p.m. The Committee’s next meeting will be March 5<sup>th</sup>, 2025, from 12:00p.m. to 1:30p.m.