

FINAL JURY INSTRUCTION 1

It is your duty as a juror to decide this case by applying these jury instructions to the facts as you determine them. You must follow these jury instructions. They are the rules you should use to decide this case.

It is your duty to determine what the facts are in the case by determining what actually happened. Determine the facts only from the evidence produced in court. When I say "evidence," I mean the testimony of witnesses and the exhibits introduced in court. You should not guess about any fact. You must not be influenced by sympathy or prejudice. You must not be concerned with any opinion that you feel I have about the facts. You, as jurors, are the sole judges of what happened.

You must consider all these instructions. Do not pick out one instruction, or part of one, and ignore the others. As you determine the facts, however, you may find that some instructions no longer apply. You must then consider the instructions that do apply, together with the facts as you have determined them.

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FINAL JURY INSTRUCTION 2

In their opening statements and closing arguments, the lawyers have talked to you, and will talk to you, about the law and the evidence. What the lawyers said in their opening statements and will say in their closing arguments is not evidence, but it may help you to understand the law and the evidence.

FINAL JURY INSTRUCTION 3

The lawyers are permitted to stipulate that certain facts exist. This means that both sides agree those facts do exist and are part of the evidence. You are to treat a stipulation as any other evidence. You are free to accept it or reject it, in whole or in part, just as any other evidence.

FINAL JURY INSTRUCTION 4

You are to determine what the facts in the case are from the evidence produced in court. If the court sustained an objection to a lawyer's question, you must disregard it and any answer given. Any testimony stricken from the court record must not be considered.

FINAL JURY INSTRUCTION 5

The law does not require a defendant to prove innocence. Every defendant is presumed by law to be innocent. You must start with the presumption that the defendant is innocent.

FINAL JURY INSTRUCTION 6

The State has the burden of proving the defendant guilty beyond a reasonable doubt. This means the State must prove each element of each charge beyond a reasonable doubt. In civil cases, it is only necessary to prove that a fact is more likely true than not or that its truth is highly probable. In criminal cases such as this, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find him guilty. If, on the other hand, you think there is a real possibility that he is not guilty, you must give him the benefit of the doubt and find him not guilty.

FINAL JURY INSTRUCTION 7

You must not consider any statements made by the defendant to a law enforcement officer unless you determine beyond a reasonable doubt that the defendant made the statements voluntarily.

A defendant's statement was not voluntary if it resulted from the defendant's will being overcome by a law enforcement officer's use of any sort of violence, coercion, or threats, or by any direct or implied promise, however slight.

You must give such weight to the defendant's statement as you feel it deserves under all the circumstances.

FINAL JURY INSTRUCTION 8

You must decide whether the defendant is guilty or not guilty by determining what the facts in the case are and applying these jury instructions.

You must not consider the possible punishment when deciding on guilt; punishment is left to the judge.

FINAL JURY INSTRUCTION 9

In deciding the facts of this case, you should consider what testimony to accept, and what to reject. You may accept everything a witness says, or part of it, or none of it.

In evaluating testimony, you should use the tests for truthfulness that people use in determining matters of importance in everyday life, including such factors as: the witness's ability to see or hear or know the things the witness testified to; the quality of the witness's memory; the witness's manner while testifying; whether the witness had any motive, bias, or prejudice; whether the witness was contradicted by anything the witness said or wrote before trial, or by other evidence; and the reasonableness of the witness's testimony when considered in the light of the other evidence.

Consider all of the evidence in the light of reason, common sense, and experience.

FINAL JURY INSTRUCTION 10

The State has charged the defendant with certain crimes. A charge is not evidence against the defendant. You must not think that the defendant is guilty just because of a charge. The defendant has pled "not guilty."

This plea of "not guilty" means that the State must prove each element of the charged crime beyond a reasonable doubt.

FINAL JURY INSTRUCTION 11

Evidence may be direct or circumstantial. Direct evidence is the testimony of a witness who saw, heard, or otherwise sensed an event. Circumstantial evidence is the proof of a fact or facts from which you may find another fact. The law makes no distinction between direct and circumstantial evidence. It is for you to determine the importance to be given to the evidence, regardless of whether it is direct or circumstantial.

FINAL JURY INSTRUCTION 12

A witness qualified as an expert by education or experience may state opinions on matters in that witness's field of expertise, and may also state reasons for those opinions.

Expert opinion testimony should be judged just as any other testimony. You are not bound by it. You may accept it or reject it, in whole or in part, and you should give it as much credibility and weight as you think it deserves, considering the witness's qualifications and experience, the reasons given for the opinions, and all the other evidence in the case.

FINAL JURY INSTRUCTION 13

The testimony of a law enforcement officer is not entitled to any greater or lesser importance or believability merely because of the fact that the witness is a law enforcement officer. You are to consider the testimony of a police officer just as you would the testimony of any other witness.

FINAL JURY INSTRUCTION 14

Each count charges a separate and distinct offense. You must decide each count separately on the evidence with the law applicable to it, uninfluenced by your decision on any other count. You may find that the State has proved beyond a reasonable doubt, all, some, or none of the charged offenses. Your finding for each count must be stated in a separate verdict.

FINAL JURY INSTRUCTION 15

You must evaluate the defendant's testimony the same as any other witness's testimony.

FINAL JURY INSTRUCTION 16

The State need not prove motive, but you may consider motive or lack of motive in reaching your verdict.

FINAL JURY INSTRUCTION 17

Before you may convict the defendant of the charged crimes, you must find that the State proved beyond a reasonable doubt that the defendant committed a voluntary act. A voluntary act means a bodily movement performed consciously and as a result of effort and determination. You must consider all the evidence in deciding whether the defendant committed the act voluntarily.

FINAL JURY INSTRUCTION 18

The crime of first-degree murder requires proof that the defendant:

1. Caused the death of another person; and
2. Intended or knew that he would cause the death of another person; and
3. Acted with premeditation.

“Premeditation” means that the defendant intended to kill another human being or knew he would kill another human being, and that after forming that intent or knowledge, reflected on the decision before killing. It is this reflection, regardless of the length of time in which it occurs, that distinguishes first-degree murder from second degree murder. An act is not done with premeditation if it is the instant effect of a sudden quarrel or heat of passion. The time needed for reflection is not necessarily prolonged, and the space of time between the intent or knowledge to kill and the act of killing may be very short.

“Intentionally” or “with intent to” means that a defendant’s objective is to cause that result or to engage in that conduct.

Intent may be inferred from all the facts and circumstances disclosed by the evidence. It need not be established exclusively by direct sensory proof. The existence of intent is one of the questions of fact for your determination.

“Knew” or “knowingly” means that a defendant acted with awareness of, or belief in, the existence of conduct or circumstances constituting an offense. It does not mean that a defendant must have known the conduct is forbidden by law.

If the State is required to prove that the defendant acted “knowingly,” that requirement is satisfied if the State proves that the defendant acted “intentionally.”

FINAL JURY INSTRUCTION 19

The crime of first degree murder includes the lesser offense of second degree murder. You may consider the lesser offense of second degree murder if either:

1. You find the defendant not guilty of first degree murder; or
2. After full and careful consideration of the facts, you cannot agree on whether to find the defendant guilty or not guilty of first degree murder.

The crime of second-degree murder requires proof of one of the following:

1. The defendant intentionally caused the death of another person; or
2. The defendant caused the death of another person by conduct which the defendant knew would cause death or serious physical injury; or
3. Under circumstances manifesting extreme indifference to human life, the defendant recklessly engaged in conduct that created a grave risk of death and thereby caused the death of another person. The risk must be such that disregarding it was a gross deviation from what a reasonable person in the defendant's situation would have done.

The above definitions of "intentionally," "intent to," "intent by inference" and "knowingly" as contained in Final Jury Instruction 18 apply. "Recklessly" means that a defendant is aware of and consciously disregards a substantial and unjustifiable risk that conduct will result in the death of another. The risk must be such that disregarding it is a gross deviation from what a reasonable person would do in the situation.

If the State is required to prove that the defendant acted "recklessly," that requirement is satisfied if the State proves that the defendant acted "intentionally" or "knowingly."

FINAL JURY INSTRUCTION 20

The difference between first-degree murder and second degree murder is that second degree murder does not require premeditation by the defendant.

If you determine that the defendant is guilty of either first-degree murder or second degree murder and you have a reasonable doubt as to which it was, you must find the defendant guilty of second degree murder.

If you find the elements of second-degree murder proven beyond a reasonable doubt, you must consider whether the homicide was committed upon a sudden quarrel or heat of passion resulting from adequate provocation by the victim. If you unanimously find that the homicide was committed upon a sudden quarrel or heat of passion resulting from adequate provocation by the victim, then you must find the defendant not guilty of second-degree murder.

“Adequate provocation” means conduct or circumstances sufficient to deprive a reasonable person of self-control. Words alone are not adequate provocation to justify reducing an intentional killing to manslaughter. There must not have been a “cooling off” period between the provocation and the killing. A “cooling off” period is the time it would take a reasonable person to regain self-control under the circumstances.

FINAL JURY INSTRUCTION 21

The crime of first degree murder also includes the lesser included offense of Manslaughter.

You may consider the lesser offense of manslaughter if either:

1. You find the defendant not guilty of both first degree murder and second degree murder; or
2. After full and careful consideration of the facts, you cannot agree on whether to find the defendant guilty or not guilty of first degree murder or second degree murder.

The crime of manslaughter can be committed in two ways. The first is reckless manslaughter. Reckless manslaughter requires proof that the defendant recklessly caused the death of another person.

“Recklessly” has the same definition as used above in Final Jury Instruction 19.

The second way to commit manslaughter is manslaughter by sudden quarrel or heat of passion. Manslaughter by sudden quarrel or heat of passion requires proof that:

1. The defendant intentionally killed another person; or
2. The defendant caused the death of another person by conduct which the defendant knew would cause death or serious physical injury; or
3. Under circumstances which showed an extreme indifference to human life, the defendant caused the death of another person by consciously disregarding a grave risk of death. The risk must be such that disregarding it was a gross deviation from what a reasonable person in the defendant’s situation would have done; and
4. The defendant acted upon a sudden quarrel or heat of passion; and
5. The sudden quarrel or heat of passion resulted from adequate provocation by the person who was killed.

If you determine that the defendant is guilty of either second-degree murder or manslaughter but you have a reasonable doubt as to which it was, you must find the defendant guilty of manslaughter.

If the State is required to prove that the defendant acted “recklessly,” that requirement is satisfied if the State proves that the defendant acted “intentionally” or “knowingly.”

You must unanimously agree that the State has proven manslaughter beyond a reasonable doubt before you may find the defendant guilty of manslaughter. However, all of you do not have to agree on whether it was “reckless manslaughter” or “manslaughter by sudden quarrel or heat of passion.”

FINAL JURY INSTRUCTION 22

The crime of first degree murder also includes the lesser included offense of negligent homicide.

You may consider the lesser offense of negligent homicide if either:

1. You find the defendant not guilty of first degree murder, second degree murder, and manslaughter; or
2. After full and careful consideration of the facts, you cannot agree on whether to find the defendant guilty or not guilty of first degree murder, second degree murder, or manslaughter.

The crime of negligent homicide requires proof that the defendant:

1. Caused the death of another person; and
2. Failed to recognize a substantial and unjustifiable risk of causing the death of another person.

The risk must be of such nature and degree that the failure to perceive it is a gross deviation from what a reasonable person would observe in the situation.

The distinction between manslaughter and negligent homicide is this: for manslaughter the defendant must have been aware of a substantial risk and consciously disregarded the risk that his conduct would cause death. Negligent homicide only requires that the defendant failed to recognize the risk.

If the State is required to prove that the defendant acted "with criminal negligence," that requirement is satisfied if the State proves that the defendant acted "intentionally," "knowingly," or "recklessly."

If you determine that the defendant is guilty of either manslaughter or negligent homicide but you have a reasonable doubt as to which it was, you must find the defendant guilty of negligent homicide.

FINAL JURY INSTRUCTION 23

You cannot find the defendant guilty of any lesser-included offense unless you find that the State has proved each element of the lesser-included offense beyond a reasonable doubt.

FINAL JURY INSTRUCTION 24

The crime of aggravated assault with serious physical injury (Counts 2, 4, and 6) requires proof of the following:

1. The defendant committed an assault, and
2. The defendant caused serious physical injury to another person.

FINAL JURY INSTRUCTION 25

“Serious physical injury” includes physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.

FINAL JURY INSTRUCTION 26

The crime of assault requires the proof that the defendant intentionally, knowingly or recklessly caused a physical injury to another person.

FINAL JURY INSTRUCTION 27

“Physical injury” means the impairment of physical condition.

FINAL JURY INSTRUCTION 28

The crime of aggravated assault with serious physical injury (Counts 2, 4 and 6) includes the lesser offense of aggravated assault with temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part.

The crime of aggravated assault with temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part requires proof of the following:

1. The defendant committed an assault, and
2. The assault was committed by any means of force that caused temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part.

You may consider the lesser offense of aggravated assault with temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part if either

1. You find the defendant not guilty of aggravated assault with serious physical injury; or
2. After full and careful consideration of the facts, you cannot agree on whether to find the defendant guilty or not guilty of aggravated assault with serious physical injury.

You cannot find the defendant guilty of aggravated assault with temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part unless you find that the State has proved each element of this lesser included offense by proof beyond a reasonable doubt.

If you determine that the defendant is guilty of either aggravated assault with serious physical injury or aggravated assault with temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part but you have a reasonable doubt as to which it was, you must find the defendant guilty of aggravated assault with temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part.

FINAL JURY INSTRUCTION 29

The crime of aggravated assault with a deadly weapon (Counts 3, 5, and 7) requires proof of the following:

1. The defendant committed an assault, and
2. The defendant used a deadly weapon.

FINAL JURY INSTRUCTION 30

“Deadly weapon” means anything designed for lethal use including a firearm.

“Firearm” means any loaded or unloaded handgun.

FINAL JURY INSTRUCTION 31

A defendant is justified in using or threatening physical force in self-defense if the following two conditions existed:

1. A reasonable person in the situation would have believed that physical force was immediately necessary to protect against another's use or apparent attempted or threatened use of unlawful physical force; and
2. The defendant used or threatened no more physical force than would have appeared necessary to a reasonable person in the situation.

A defendant may use deadly physical force in self-defense only to protect against another's use or apparent attempted or threatened use of deadly physical force.

Self-defense justifies the use or threat of physical force or deadly physical force only while the apparent danger continues, and it ends when the apparent danger ends. The force used may not be greater than reasonably necessary to defend against the apparent danger. The use of physical force is justified if a reasonable person in the situation would have reasonably believed that immediate physical danger appeared to be present. Actual danger is not necessary to justify the use of physical force in self-defense.

You must decide whether a reasonable person in a similar situation would believe that physical force was immediately necessary to protect against another's use, attempted use, threatened use, apparent attempted use, apparent threatened use of unlawful physical force; or

You must measure the defendant's belief against what a reasonable person in the situation would have believed.

The threat or use of physical force is not justified:

1. In response to verbal provocation alone;
2. If the defendant provoked the other's use of unlawful physical force, unless:
 - a. The defendant withdrew from the encounter or clearly communicated to the other person the defendant's intent to withdraw, reasonably believing that the defendant could not withdraw from the encounter; and

b. The other person nevertheless continued or attempted to use unlawful physical force against the defendant.

The State has the burden of proving beyond a reasonable doubt that the defendant did not act with such justification. If the State fails to carry this burden, then you must find the defendant not guilty of the charge.

FINAL JURY INSTRUCTION 32

A defendant is justified in using or threatening deadly physical force in self-defense if the following two conditions existed:

1. A reasonable person in the situation would have believed that deadly physical force was immediately necessary to protect against another's use or apparent attempted or threatened use of unlawful deadly physical force; and
2. The defendant used or threatened no more deadly physical force than would have appeared necessary to a reasonable person in the situation.

A defendant may use deadly physical force in self-defense only to protect against another's use or apparent attempted or threatened use of deadly physical force.

Self-defense justifies the use or threat of deadly physical force only while the apparent danger continues, and it ends when the apparent danger ends. The force used may not be greater than reasonably necessary to defend against the apparent danger.

The use of deadly physical force is justified if a reasonable person in the situation would have reasonably believed that immediate deadly physical danger appeared to be present. Actual danger is not necessary to justify the use of deadly physical force in self-defense.

You must decide whether a reasonable person in a similar situation would believe that:

Deadly physical force was immediately necessary to protect against another's use, attempted use, threatened use, apparent attempted use or apparent threatened use of unlawful deadly physical force.

You must measure the defendant's belief against what a reasonable person in the situation would have believed.

A defendant has no duty to retreat before threatening or using deadly physical force in self-defense if the defendant:

1. Had a legal right to be in the place where the use or threatened deadly physical force in self-defense occurred; and

2. Was not engaged in an unlawful act at the time when the use or threatened deadly physical force in self-defense occurred.

The State has the burden of proving beyond a reasonable doubt that the defendant did not act with such justification. If the State fails to carry this burden, then you must find the defendant not guilty of the charged offense.

FINAL JURY INSTRUCTION 33

A defendant is justified in using or threatening physical force in defense of a third person if the following two conditions existed:

1. A reasonable person in the situation would have believed that physical force was immediately necessary to protect against another's use, attempted use, apparent attempted use, or threatened use of unlawful physical force against a third person; and
2. The defendant used or threatened no more physical force than would have appeared necessary to a reasonable person in the situation.

A defendant may use deadly physical force in defense of a third person only to protect against another's use, attempted use, apparent attempted use, or threatened use of deadly physical force.

Defense of a third person justifies the use or threat of physical force or deadly physical force only while the danger continues, and it ends when the danger ends. The force used may not be greater than reasonably necessary to defend against the danger.

Actual danger is not necessary to justify the use of physical force or deadly physical force in defense of a third person.

The use of physical force or deadly physical force is justified if a reasonable person in the situation would have reasonably believed that immediate physical danger appeared to be present.

You must decide whether a reasonable person in a similar situation would believe that:

1. Physical force was immediately necessary to protect against another's use, attempted use, apparent attempted use, or threatened use of unlawful physical force against a third person;
2. Deadly physical force was immediately necessary to protect against another's use, attempted use, apparent attempted use, or threatened use of unlawful physical force against a third person.

You must measure the defendant's belief against what a reasonable person in the situation would have believed.

The State has the burden of proving beyond a reasonable doubt that the defendant did not act with such justification. If the State fails to carry this burden, then you must find the defendant not guilty of the charge.

FINAL JURY INSTRUCTION 34

A defendant was justified in threatening or using physical force and/or deadly physical force against another if and to the extent the person reasonably believed that physical force or deadly physical force was immediately necessary to prevent another from committing or apparently committing the crime of aggravated assault.

There is no duty to retreat before threatening or using deadly physical force. There is no requirement that any threat to the defendant's safety exist before the defendant may use physical force and/or deadly physical force. However, physical force and/or deadly physical force can be used only to the extent it appears reasonable and immediately necessary to prevent commission of the crime.

The defendant's use or threatened use of physical or deadly force is not limited to a person's home, residence, place of business, land the person owns or leases, or conveyance of any kind, but includes any place in this state where a person has a right to be.

The defendant is presumed to be acting reasonably if the defendant is acting to prevent the commission of aggravated assault.

The defendant is justified in using physical force and/or deadly physical force against another person even if that person is not actually committing or attempting to commit the crime if the defendant reasonably believed he was preventing the commission of the crime. Actual danger is not necessary to justify the use of physical force or deadly physical force in crime prevention.

If evidence was presented that raised this justification defense for any of the charged offenses, then the State has the burden of proving beyond a reasonable doubt that the defendant did not act with such justification. If the State fails to carry this burden, then you must find the defendant not guilty of the charge.

FINAL JURY INSTRUCTION 35

Conduct is the cause of a result when both of the following exist:

1. But for the conduct the result in question would not have occurred.
2. The relationship between the conduct and result satisfies any additional causal requirements imposed by the definition of the offense.

In order to find the defendant guilty of aggravated assault, you must find that the injury was proximately caused by the acts of the defendant.

The proximate cause of an injury is a cause which, in natural and continuous sequence, produces the injury, and without which the injury would not have occurred.

Proximate cause does not exist if the chain of natural effects and cause either does not exist or is broken by a superseding intervening event that was unforeseeable by the defendant and, with the benefit of hindsight, may be described as abnormal or extraordinary.

The State must prove beyond a reasonable doubt that a superseding intervening event did not cause the injury.

FINAL JURY INSTRUCTION 36

For purposes of self-defense and defense of a third person, the term “unlawful physical force” includes the statutory elements of the crimes of endangerment, unlawful imprisonment, threatening or intimidating, assault and aggravated assault.

The crime of endangerment requires proof of the following:

1. The individual disregarded a substantial risk that his or her conduct would cause imminent death or physical injury, and
2. The individual’s conduct did in fact create a substantial risk of imminent death or physical injury.

The crime of unlawful imprisonment requires proof that the individual knowingly restrained another person.

“Restrain” means to restrict a person’s movements without consent, without legal authority, and in a manner that interferes substantially with such person’s liberty, by either moving such person from one place to another or by confining such person. Restraint is without consent if it is accomplished by physical force, intimidation or deception.

The crime of threatening or intimidating requires proof that the individual threatened or intimidated by word or conduct:

1. to cause physical injury to another person; or
2. to cause serious damage to the property of another person.

The crime of assault requires the proof that the individual:

1. Intentionally, knowingly or recklessly caused a physical injury to another person; or
2. Intentionally put another person in reasonable apprehension of imminent physical injury; or
3. Knowingly touched another person with the intent to injure, insult, or provoke that person.

The crime of aggravated assault includes:

1. The individual committed an assault, and
2. The assault was aggravated by at least one of the following factors:
 - A. The individual caused serious physical injury to another person; or
 - B. The individual used a deadly weapon or dangerous instrument; or
 - C. The individual committed the assault while the person assaulted was bound or otherwise physically restrained; or
 - D. The assault was committed by any means of force that caused temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part.

FINAL JURY INSTRUCTION 37

“Physical force” means the force used upon or directed toward the body of another person and includes confinement but does not include deadly physical force.

“Deadly physical force” means either:

1. Force used with the purpose of causing death or serious physical injury or
2. Force which in the manner of its use or intended use is capable of creating substantial risk of death or serious physical injury.

FINAL JURY INSTRUCTION 38

“Dangerous offense” means an offense that involved the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person.

FINAL JURY INSTRUCTION 39

The case is now submitted to you for decision. When you go to the jury room you will choose a foreperson.

The role of jury foreperson is important, but please remember that the foreperson's opinion about the case is not more important than that of the other jurors. The opinions of each juror count equally.

The jury foreperson's responsibilities include the following:

1. Make sure every member of the jury is present during all discussions and deliberations.
2. Make sure that the deliberations are conducted respectfully and that all issues are fully discussed. The discussions should be open and free so that every juror may participate.
3. All jurors should be allowed to state their views about the case and what they think the verdict should be and why.
4. All members must agree unanimously on any verdict. Therefore, the foreperson should count the votes to ensure that every juror has voted.
5. If you reach verdicts, fill out the verdict forms and then sign the forms on behalf of the jury.
6. If the jury reaches a verdict, the foreperson will inform the bailiff. When the jury returns to the courtroom, the foreperson will bring the signed or unsigned verdict forms as well as any question forms that may have been used.
7. When you return to the courtroom, the court will ask the foreperson whether the jury has reached any verdict. The foreperson will respond "yes" or "no." The foreperson is not expected to read any verdict to the court; that will be done by the trial clerk.

I suggest that you discuss and then set your deliberation schedule. You are in charge of your schedule, and may set and vary it by agreement and the approval of the Court. After you have decided on a schedule, please advise the bailiff.

You are to discuss the case and deliberate only when all jurors are together in the jury room. You are not to discuss the case with each other or anyone else during

breaks or recesses. The admonition I have given you during the trial remains in effect when all of you are not in the jury room deliberating.

After setting your schedule, I suggest that you next review the written jury instructions and verdict forms. It may be helpful for you to discuss the instructions and verdict forms to make sure that you understand them. Again, during your deliberations you must follow the instructions and refer to them to answer any questions about applicable law, procedure and definitions.

Should any of you, or the jury as a whole, have a question for me during your deliberations or wish to communicate with me on any other matter, please utilize the jury question form that we will provide you. Your question or message must be communicated to me in writing and must be signed by you or the Foreperson.

I will consider your question or note and consult with counsel before answering it in writing. I will answer it as quickly as possible.

Please be patient as this process could take some time as I will need to gather the attorneys, discuss your question with them, decide the answer to be given to you, read the answer into the record, and then give the answer to you.

Remember that you are not to tell anyone, including me, how you stand, numerically or otherwise, until after you have reached a verdict or have been discharged.

All twelve of you must agree on each verdict. You must be unanimous. Once all twelve agree on a verdict, only the Foreperson need sign the verdict forms on the line marked "Foreperson."

You will be given seven (7) forms of verdict. The verdict forms read and will be filled-in as follows: