

Criminal Jury Instructions Committee

Minutes May 6, 2022

Attending:

Hon. Patricia Starr – Chair
Elizabeth Bingert
Daniel Carrion (Proxy vote for Mikel Steinfeld)
Bruce Chalk
Ellen Dahl (Proxy vote for Jennifer Linn)
David Euchner
Jilliam Francis
Robb Holmes
Alice Jones
Todd Lawson
Hon. Danelle Liwski
Sarah Mahew
Michael Minicozzi (Proxy vote for Karen Komrada)
Shawn Steinberg
Greta Vietor
William Wallace

Absent:

Jamiel Allen
Michael Breeze
Kush Govani
Hon. Stephen Hopkins

1. Call to Order by Judge Starr 1:30 pm
2. Approval of October 1, 2021 minutes
 - a. Steinburg moves to approve the minutes. Seconded by Holmes. Motion passes.
3. Proposed Modification to RAJI 14.01.02 “Position of Trust” – Michael Minicozzi
 - a. Francis – concerned that proposed instruction’s subsections do not match the subsections of the statute, A.R.S. § 13-1401(A)(2).
 - b. Judge Starr – likes the proposed version because it is presented the way it will actually be used at trial. Bingert and Dahl agree.
 - c. Meyhew – period missing from the end of (b), (g), and (i). Moves to add period. Bingert seconds. Motion passes.

- d. Meyhew proposes to use numbers for subsections instead of letters because letters do not coordinate with statute. Dahl and Steinberg second. Motion passes. Subsections “(a)” through “(j)” will be changed to corresponding numbers.
 - e. Dahl – Motion to amend the use notes to reflect the corresponding number instead of subsection letter. Seconded by Judge Liwski. Motion passes.
- 4. Proposal to separate RAJI 14.04 into three instructions - Michael Minicozzi
 - a. No one voices concern regarding separating the RAJI into three instructions.
 - b. 14.04.01
 - i. Kluger – suggests colon at the end of subsection 2 and to capitalize “e” in engaged.
 - c. 14.04.02
 - i. No comments
 - d. 14.04.03
 - i. Bingert – suggests removing pacific reporter cites from each of these.
 - e. Lawson moves to adopt changes. Minicozzi seconds. Motion passes.
- 5. Comments to Aggravated DUI instructions – Michael Minicozzi
 - a. Standard Criminal 42 – Minicozzi suggests removing highlighted language as confusing.
 - b. Judge Starr, Judge Liwski, Euchner, and Bingert disagree and would like to keep the language as helpful to practitioners. Minicozzi withdraws his suggestion.
 - c. Proposal to add reported cite for *State v. Nelson* to read, “*State v. Nelson*, 251 Ariz. 420 (App. 2021).” Steinburg moves to make the proposed changes. Lawson seconds. Motion passes.
- 6. Miscellaneous
 - a. Meyhew requests those interested in working on a committee to address an unconscious bias instruction to contact her.
- 7. Other Business
 - a. Judge Green to replace Judge Starr. Thank you Judge Starr.
 - b. Next meeting will be this fall.
 - c. Iona will make revisions and ask for approval before sending for comment.
- 8. Call to Public
- 9. Adjourn
 - a. Euchner moves to adjourn. Meyhew seconds. Motion passes.