

Criminal Jury Instructions Committee

Minutes – November 3, 2017

Present in Person (9):

Hon. Sam Myers
Mikel Steinfeld
Steve McCarthy
Kenneth Vick
Todd Lawson
Antonio Zuniga
Carlos Carrion
Elizabeth Bingert
Hon. Gerald Williams

Present Telephonically (4):

David Euchner
Brandon Brown
Joel Chorny
Robb Holmes

Absent (13):

Jennifer Linn
Bruce Chalk
Hon. Maria Brewer
Hon. James Beene
Matthew Binford
Hon. Douglas Camacho
Robert Gundacker
Paul Hawkins
Hon. John Lamb
Robert McWhirter
Victoria Otto
Leonardo Ruiz
Hon. Alicia Skupin

- 1. Call to Order by The Honorable Sam Myers: 1:33PM**
- 2. Agenda Items:**
 - a. Minutes of 9/29/17 meeting approved unanimously.

- i. Joel Chorny moves, Bingert second.
 - b. Discussion of 2018 State Bar Convention
 - i. Euchner leads discussion. Roster of current participants: Elizabeth Bingert, Brandon Brown, Dave Euchner, Steve McCarthy. Judge Myers will ask Judge Beene if he is willing to participate.
 - ii. Note- Deputy Maricopa County Attorney Kirsten Valenzuela is present as a member of the public
 - iii. Euchner brings up proxy votes for committee – not permitted in committee by-laws
 - c. Prelim Criminal 24 (Order of Trial) – Steinfeld proposal
 - i. Carrion moves, Zuniga second. Passes unanimously as written
 - d. Statutory Criminal 23.08.01 (Terrorism) – Hon. Sam Myers proposal
 - i. Carrion moves, Lawson second – Passes unanimously as written
 - e. Statutory Criminal 23.10 (Fraudulent Schemes and Artifices) – Steve McCarthy proposal
 - i. McCarthy withdraws proposal prior to moving for a vote. No discussion.
 - f. Capital Jury Instruction 2.6 (Mitigation Assessment and the Sentence Burden of Proof) – Steinfeld proposal
 - i. Kirsten Valenzuela addresses the committee regarding the proposal
 - ii. Steinfeld addresses committee
 - iii. Hon. Sam Myers comments, Zuniga comments
 - iv. Note: 2PM Euchner leaves meeting
 - v. Ken Vick proposes changes
 - vi. Brandon Brown proposes changes
 - vii. Carrion moves, McCarthy second. – Motion Passes
 - 1. Bingert and Zuniga abstain, Chorny and Holmes vote nay
 - g. Capital Jury Instruction 2.10 (Intellectual Disability) – Hon. Sam Myers proposal
 - i. Kirsten Valenzuela addresses committee and reads proposed changes from her office
 - ii. Steinfeld moves, Zuniga second – Motion passes as modified
- 3. Meeting Adjourns**