



Criminal Jury Instructions Committee

Meeting Minutes
March 26, 2026.

Present

Hon. Jennifer Green
Hon. Jeff Altieri (zoom)
Hon. Lacey Gard (zoom)
--Proxy for Hon. Elizabeth Bingert
--Proxy for Hon. Danielle Harris
Hon. Sarah Mayhew

Ryan Alcorn
Bryce Brown
Carlos Carrion
--Proxy for Greg Benson
--Proxy for Christine Ortega
Gary Donahoe
David Euchner
Kevin Heade
Alice Jones
--Proxy for Todd Lawson
--Proxy for Tai Summers
Karen Komrada (zoom)
Jennifer Linn (zoom)
--Proxy for James Bauman
--Proxy for Shawn Steinberg
Ian McCloskey
Michael Minicozzi
Jeffrey Roseberry
Mikel Steinfeld
Evan Tompkins (zoom)
Ilona Kukan

Proxy Sent

Hon. Elizabeth Bingert (Hon. Lacey Gard)
Hon. Danielle Harris (Hon. Lacey Gard)
James Bauman (Jennifer Linn)
Greg Benson (Carlos Carrion)
Todd Lawson (Alice Jones)
Christine Ortega (Carlos Carrion)
Shawn Steinberg (Jennifer Linn)
Tai Summers (Alice Jones)

CALL TO ORDER – Judge Green

- Judge Green called the meeting to order at 2:07

1. Approval of November 21, 2025 Meeting Minutes – Judge Green

- Euchner noted we had talked about some changes.
- Mayhew said a vote of hers may have been incorrect.
- Heade indicated it was on the *Mullaney/Hippensteel* instruction.
- Jones identified it as agenda item 8 of the November 21, 2025, minutes.
- Mayhew said she was an Aye instead of a Nay.
- Green noted the vote then would have failed 13-14.
- Mayhew said she should have been an Aye on the second vote as well.

- **Mayhew moved to correct the November 21, 2025, minutes to change her vote in item 8 to reflect an Aye and correct vote totals to 13-14 and 13-14 respectively.**
- **Euchner seconded.**
- **Motion passed unanimously.**

- **Euchner moved to approve as modified.**
- **Mayhew seconded.**
- **Minutes approved unanimously.**

Discussion Regarding Order of Agenda

- Euchner asked if we had to go in the order on the agenda, or if we could vary the order to prioritize some offenses that are being seen on a regular basis.
- Green proposed to go in order. If the committee reached 4:20 pm and had not gotten to an important item, a member can move to take an agenda item out of order.
- The committee agreed.

2. Proposal for new 28.672 - Causing Death by Moving Violation – Cobb (see 1-27-26 minutes)

- Steinfeld explained his objection was to change the instruction reference to the statute so that it includes the substantive language of the statute rather than the statutory number.

- Mayhew noted that she recently presided over a case where the jury became confused by attorney references to the statute.
- Consensus was that the instruction should include the pertinent language rather than the statute number.
- Euchner noted the committee would likely need a Use Note. Also proposed a reference to *Gordon/Owen*.
- Heade emailed the group a proposed Use Note.
- Group discussed the Use Note language. Group briefly discussed whether to add language for the Serious Physical Injury component of the statute, which is not eligible for a jury trial. The committee added language to the Use Note regarding Serious Physical Injury.
- Mayhew provided the language she had used in her trial, which included three elements rather than the two initially proposed.
- Group discussed the instruction wording.
- **Mayhew moved to adopt as modified by the committee.**
- **Euchner seconded.**
- **Vote: Unanimously approved.**

3. Proposed revision to 12.04 – Aggravated Assault – Jones (see 1-27-26 minutes)

- Jones updated the committee on the reason for the amendment: a legislative change. The attempt was to include the new language in the existing form of the instruction. Jones opined there might be a better way to do draft the instruction, but was unsure of what the better way was. She noted that the proposed amendment is not intended to make any substantive changes beyond the including the statutory amendment.
- Euchner noted the instruction itself is a bit of a mess. He observed that the proposal followed the current format and he believed it was appropriate.
- Carlos noted this may be a good one for a subcommittee. The group discussed the possibility of having multiple versions of this with different categories.
- The committee discussed the language regarding health care worker, provider, and practitioner. The statute uses the words worker and practitioner, but not provider. There was further discussion about how the non-application provision applies (subsection does not apply if person does not have the ability to form the mental state because of disability).
- **Euchner moved to approve as modified by the committee.**
- **Carrion and Linn seconded.**
- **Vote: Approved 20-4.**

4. Proposed new to 14.29 – Child Sex Doll – Jones (see 1-27-26 minutes)

- Jones updated the committee regarding the instruction. There had been prior discussion about a Use Note to let the parties know this is based on the language of the statute. Jones did not put together a Use Note or Comment. There was discussion about citing *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002).
- Euchner asked whether any pending prosecutions have already asked for instructions. Proposed that sometimes it's better to let the parties litigate this and get instructions before going through the committee. Group discussed whether we can or should create an instruction for this.
- The committee discussed the proposed language. The committee also discussed the location of the common-carrier language. The group modified the Child Sex Doll instruction to make clear the two elements. And the group added the “satisfactory explanation” language to the inference language.
- Green noted that the committee already discussed the Child Sex Doll instruction in January and it passed 12-8.
- **Donahoe moved to approve the modified version and repeal the previously adopted instruction.**
- **Jones seconded.**
- **Vote: Passed 19-2 with 3 Abstentions.**

5. Proposed revision to 35.51 – (definitions Indistinguishable and Minor) – Jones/Summers

- This matter had previously been tabled.
- The committee broke this proposal into two parts: a discussion of the proposed change to subsection (6) and a separate discussion to the proposed change to subsection (12).
- **Subsection (6) Discussion**
 - Donahoe asked if there was a reason why there was no Source provided below the line.
 - Jones noted that none of the definitions in this section have a Use Note or a Source. Also noted that it was tabled because all the definitions needed to be renumbered.

- **Euchner moved to adopt the (6) language and leave the renumbering for different day.**
- **Carrion seconded.**
- **Vote: Approved 24-1 (Heade is Nay)**

- **Subsection (12) Discussion**
 - Jones provided the comments that were provided by Summers.

 - **Euchner moved to adopt the (12) language.**
 - **Carrion seconded.**
 - **Vote: Unanimously approved.**

6. Proposed revisions to 35.53 & 14.07 – Jones/Summers

- The committee divided this discussion into the two proposals: 35.53 and 14.07.

- **35.53 discussion**
 - The committee had a brief discussion regarding a small typo in the instruction language.
 - The group also modified the subsections cited in the Source.
 - The committee added a comment regarding *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002).

 - **Euchner moved to adopt as edited.**
 - **Mayhew seconded.**
 - **Vote: Unanimously approved.**

- **14.07 discussion**
 - The committee made a correction to the Source.
 - The group discussed how to best describe the defendant-status provision. After exploring different ways to format the provision, the committee decided to make no change.
 - The committee also explored a possible comment, but rejected the idea.

 - **Euchner moved to approve**
 - **Jones seconded.**

- **Vote: Approved 24-1 (Donahoe is Nay).**

7. Proposed revision to 29.07 – False Reporting – Jones

- Jones explained the need for the proposed instruction. The existing instruction did not cover all the ways a person could commit false reporting. But Jones proposed to split the statute into two instructions to address thematic differences.
- Heade asked whether costs required for an emergency response was an element that needed to be found by the jury.
- Jones read the statutory provisions, which required liability for an adult but made it discretionary restitution for juveniles.
- Euchner stated that the instruction would only be for what goes to the jury, which would not include the amount subject to liability. Euchner noted the liability would not need to determine the liability amount to determine guilt.
- **Euchner moved to approve.**
- **Mayhew seconded.**
- **Vote: Approved 24-1 (Heade is Nay).**

8. Proposed revision to 29.10 – Animal Cruelty – Jones

- Jones noted this proposal was based on changes to the animal cruelty statute.
- The group had a discussion regarding the definitions sections. The committee added definitions for Harass, Domestic Animal, and added to the definition of Cruel Neglect.
- **Mayhew moved to approve as edited.**
- **Euchner seconded.**
- **Vote: Approved unanimously 24-0.**

9. Proposed revision to 32.12.B – Child Sex Trafficking – Jones

- Jones explained this proposal was meant to add statutory language that had not already been included.
- The group discussed how to deal with the long and compound nature of some of the statutory language--with two of the subsections having two alternative ways of committing an offense. The committee decided to break the language into separate bracketed portions.

- **Euchner moved to approve as modified.**
- **Jones seconded.**
- **Vote: Unanimously approved 23-0.**

13. 4.19 Justification Instruction – Donahoe

- The committee made a quick change to the citation.
- The committee also modified the proposal language to more accurately reflect the holding of *State v. Brown*, 577 P.3d 14 (Ariz. 2025).
- **Euchner moved to approve as modified.**
- **Carrion seconded**
- **Vote: Unanimously approved 22-0.**

10. Proposed revision to 37.28 – Catalytic Converters – Jones

11. Proposed revision to 38.21 – Failure to Register as a Sex Offender – Jones

12. Proposed new 40.06 – Unlawful foreign law enforcement activity – Jones

14. Comments Received to Second Degree Murder Instructions – Reckless Manslaughter – Judge Green

- **Euchner moved to table items 10-12, 14.**
- **Jones seconded.**
- **Unanimously approved.**

15. Any Other Business – Judge Green

- Euchner addressed the position of the chair for next year. Euchner was under the impression that Hon. Bingert would be the chair, rather than Hon. Wingard. Euchner does not believe the chair position should automatically be the Maricopa County Criminal Presiding.
- Donahoe noted the appropriate conversation may be with the SBA Board.
- Other members echoed Euchner's view and support for Judge Bingert.
- Jones believed it would be helpful for continuity to have a chair who is already a committee member.
- Euchner noted Bingert is also the hardest worker on the committee.

- Carrion agreed Bingert would be beneficial to the committee and would make a good chair.
- Steinfeld noted that Bingert has also organized a lot of the CLEs.
- Green noted both Bingert and Wingard would be good in the position. Wingard also has the benefit of being in the criminal division and being in charge of the biggest judicial criminal department in the state. Bingert does not have that benefit.

NEXT MEETING Judge Green

- Green said the committee will try to set a zoom meeting within the next 30 days. The meeting will likely last only an hour or so to tidy up the last remaining agenda items.
- Carrion provided an update for the Capital RAJIs work group. He hoped the proposed capital instructions will be ready for the fall meeting. He expected we will need a full day. Donahoe asked if the committee could get Dr. Leonard to participate in the meeting. Carrion said he will approach Dr. Leonard to try to schedule him for the meeting.
- Jones proposed that we form some subcommittees during the next short meeting.
- The committee briefly entertained an initial list of subcommittees and volunteers.
 - Legislative cleanup
 - Case law cleanup
 - DUI (Mayhew volunteered to chair)
 - Capital (after working group) (Gard volunteered to chair)
 - Assault (Carrion volunteered to chair)

CALL TO THE PUBLIC Judge Green

- No members of the public were present.

ADJOURN Judge Green

- **Euchner moved to adjourn.**
- **Mayhew seconded.**
- **Unanimously passed; meeting adjourned.**