



Criminal Jury Instructions Committee

**Meeting Minutes
January 27, 2026.**

Present

Hon. Elizabeth Bingert
Hon. Jeffrey Altieri
Hon. Gary Donahoe
Ryan Alcorn
James Baumann
Greg Benson
Carlos Carrion
Ian Cobb
Kevin Heade (plus proxy for Euchner)
Alice Jones (plus proxy for Summers)
Karen Komrada
Samantha Kluger (proxy for Allen)
Todd Lawson
Jennifer Linn
Ian McCloskey
Michael Minicozzi (plus proxy for Roseberry)
Kevin Morrow
Christine Ortega
Joshua Spears
Shawn Steinberg
Mikel Steinfeld
Evan Tompkins
Ilona Kukan

Proxy Sent

Jamal Allen (Samantha Kluger)
David Euchner (Kevin Heade)
Jeffrey Roseberry (Michael Minicozzi)
Tai Summers (Alice Jones)

Not Present

Hon. Jennifer Green
Hon. Danielle Harris
Hon. Sarah Mayhew
Sasha Charls
Jarom Harris

Call to order

Comm. Bingert called the meeting to order at 1:33 pm.

1. Approval of Prior Minutes

- **Alice Jones moved to approve.**
- **Sam Kluger seconded.**

- Kevin Heade noted a possible inaccuracy with the minutes regarding Judge Mayhew's vote.

- Comm. Bingert will follow up with Judge Mayhew to see if there needs to be an adjustment.
- Spears indicated he sent his form to Kukan before the meeting. But the minutes reflect that Spears was not present and that his proxy was not addressed.
- Bingert will follow up on this as well.
- **Bingert moved to table.**
- **No objection to tabling.**
- **Unanimously tabled.**

2. 14.10--Molestation of a Child

- Minicozzie explained that the modification is intended to reflect the change to the definition of “sexual contact.” He split the proposal into an early and a later version
- **Alice moved to adopt the proposal.**
- **Kevin Morrow seconded.**
- **Vote: Unanimously approved.**

3. 14.30--Child enticement

- Minicozzi made changes to the proposal based upon the discussions from our last meeting. He also included in the use note a reference to the uncertainty regarding whether this is a single offense or two different offenses.
- **Minicozzi moved to approve.**
- **Linn seconded.**
- **Vote: Unanimously approved.**

4. 28.672--Causing Death by Moving Violation

- Cobb described the proposal.
- Heade asked if this was from the Supreme Court case that was recently issued.
- Morrow asked how many misdemeanor jury instructions are included in the RAJIs.
- Benson explained there are several misdemeanor RAJIs.
- Steinfeld noted that the instruction just references the statute, rather than bracketing the language.

- Heade explained he would like to see a use note referencing the recent Supreme Court case. He volunteered to help craft.
- **Steinberg moved to table.**
- **Linn seconded.**
- **Vote: Unanimously tabled.**

5. **12.04--Aggravated Assault**

- Jones explained that Summers noted there were several updates to the code that were not in our instruction. Jones and Summers went through to try to resolve what was missing.
- Jones proposed tabling so that someone could go through the proposed changes and confirm.
- Donahoe and Komrada volunteered to go through and review.
- **Donahoe moved to table.**
- **Komrada seconded.**
- **Vote: Unanimously tabled.**

6. **14.06--Sexual Conduct with a Minor, Verdict Form**

- Jones explained Summers's proposal. Noted that the enumeration may be incorrect.
- **Minicozzi moved to adopt with an amendment to renumber the instruction to 15.05.02.**
- **Komrada seconded.**
- Heade conveyed some more of Euchner's concerns.
- Donahoe noted that many others have placed verdict forms in the use notes.
- Carrion observed that the capital instructions don't have them in the use notes.
- Jones agreed there has been inconsistent treatment.
- **Vote: Unanimously passed.**
 - **Abstentions:** Heade + Euchner.

7. **14.25.01--Unlawful Distribution of Recognizable Images**

8. **14.25.01--Unlawful Distribution of Recognizable Images**

- Jones explained the proposal for agenda item 8. Noted that agenda item 7 is moot in light of item 8.
- Heade asked whether the statute creates separate and distinct offenses, or whether it's a unified offense.
- Jones noted that it references a single image, but she doesn't have case law on the issue.
- **Minicozzi moved to adopt.**
- **Steinberg seconded.**
- **Vote: Unanimously passed.**
 - **Abstentions:** Heade + Euchner.

9. 14.29--Child Sex Doll

- Jones explained the proposal, which is a new instruction to cover a new statute.
- Heade asked how far the mens rea element extends into the statute.
- Jones explained the purpose was to mimic the statute because it has not been litigated. It would be up to the parties to address this.
- Minicozzi opined that we shouldn't adopt this because it is such a novel offense that isn't modeled after anything. He believed that whoever takes this to trial should craft the instruction for that case.
- Jones explained she is of two minds. She understood wanting to see some case development. She also believed that there is a benefit to putting something out there.
- Linn agreed with Jones. Linn pointed out that the order is a bit off. The inference from possessing two or more sex dolls precedes the third way the offense can be committed. Proposed moving it below the line. Also proposed moving the common carrier provision below the line.
- Spears pointed to a small typo.
- Minicozzi wanted to know if there is a reason we would not put the child sex doll instruction below the line.
- Morrow agreed with opposing the instruction. Also saw constitutional concerns.
- Lawson noted that the definition that is above the line is in the statute, so it belongs above the line.
- **Donahoe moved to adopt.**
- **Jones seconded.**
- **Vote: Passed 12-8 with 4 abstentions.**
 - **Ayes:** Linn, Jones + Summers, Donahoe, Carrion, Lawson, Tompkins, Benson, Cobb, Steinfeld, Baumann, Altieri.

- **Nays:** Heade + Euchner, Ortega, Morrow, Kluger, Spears, McKloskey, Alcorn
- **Abstentions:** Steinberg, Minicozzi + Roseberry, Komrada
- Heade noted that when we're dealing with new, novel situations like this, it would be helpful to place the differing opinions about an instruction below the line. Otherwise these instructions are taken as authoritative when they really aren't.
- Donahoe agreed.
- Jones will work with Heade and Morrow to craft an addition for the next meeting.

10. 18.13--Gift Card Theft

- Jones explained the proposal.
- **Lawson moved to adopt.**
- **Donahoe seconded.**
- **Vote: Unanimously approved.**

11. 20.06--Criminal Impersonation

- Jones explained the proposal, which is from new statutory language.
- The committee discussed some stylistic changes to clarify the language.
- **Lawson moved to adopt with the changes discussed.**
- **Linn seconded.**
- **Vote: Approved .**
 - **Nay:** Donahoe.
 - **Abstention:** Heade + Euchner, Spears.

12. 35.51--Definitions: Adds definitions for "indistinguishable" and "minor"

- Jones explained the modifications, which are to update the language based on statutory updates.
- The committee had a brief discussion about a typo.
- Donahoe asked if we put the source in the definitions.
- Ilona agreed we need the source.
- **Minicozzi moved to adopt with the modifications.**

- **Morrow seconded.**
- Lawson explained that his concern with this instruction is that *State v. Hazlett*, 205 Ariz. 523 (App. 2023), explains that we need to have an actual child. Proposed a use note below the line with a citation to *State v. Hazlett*, 205 Ariz. 523 (App. 2023).
- Heade noted there are also constitutionality concerns in light of *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002).
- The committee discussed some numbering issues.
- Donahoe agreed with Lawson and supported providing the cases below the line.
- **Jones moved to table.**
- **Spears seconded.**
- **Vote: Unanimously tabled.**

13. 35.53--Sexual Exploitation of a Minor & 14.07--Defenses

- Jones provided the background for the proposal.
- Heade relayed Euchner's concerns and proposal to break up each offense into three separate instructions.
- Lawson supported the idea of breaking this up into three separate instructions.
- **Jones moved to table.**
- **Linn seconded.**
- **Vote: Unanimously tabled.**

14. 16.02--Criminal Damage

- Jones provided the background for the proposal.
- **Lawson moved to adopt.**
- **Morrow seconded.**
- **Vote: Unanimously approved.**

15. 24.14--Impersonating a Veteran

- Jones provided background for the proposal, which is a new statute.

- **Carrion moved to adopt.**
- **Steinberg seconded.**
- **Vote: Unanimously approved.**
 - **Abstentions:** Spears, Lawson, McCloskey, Heade + Euchner.

16. 29.07--False Reporting

- Jones provided background for the proposal. Explained why the proposal is to break the offense into two different instructions.
- Minicozzi asked about numbering.
- Heade asked about how costs are treated in the instruction (penalty or restitution). The committee discussed the issue.

- **Jones moved to table.**
- **Kluger seconded.**
- **Vote: Unanimously tabled.**

17. 29.10--Animal Cruelty

18. 32.12.B--Child Sex Trafficking

19. 37.28--Catalytic Converters

20. 38.21--Failure to Register as a Sex Offender

21. 40.06--Unlawful foreign law enforcement activity

- Remaining agenda items are tabled until the February meeting.

22. Capital case instructions update

- Carrion provided a brief update on the capital case instructions project.
- Linn noted there are still disagreements. MCAO members will likely be present at the next RAJI meeting.

Next meeting

- The next meeting is in person at the State Bar. It will be on February 24 at 12:00 noon

Call to the public

- No public comments.

Adjournment

- **Steinfeld moved to adjourn.**
- **Lawson seconded.**
- **Vote: Unanimously voted to adjourn.**

- **Adjourned at 2:58.**