

TGEGKGF . '51534236'34-56-36. 'Lqj p' 'C0Vqo culpq. 'Engtm' 'Uwr tgo g' Eqwtv

APPENDIX G

Minutes
Standard Jury Instruction Committee (Criminal)
Tampa Airport Marriott
February 7, 2014

Members present: Chair/Judge Joseph Bulone, Mr. Jim Altman, Judge Spencer Levine, Mr. Ray de la Cabada, Judge Lisa Campbell, Judge Jerri Collins, Mr. Rick Combs, Mr. Glen Gifford, Mr. Brian Iten.

Members Absent: Judge Anthony Black, Ms. Ruth Ann Helper

Judge Bulone opened the meeting at 9:20 a.m. The minutes from the December 6, 2013 meeting were unanimously approved.

Don't use the internet- Shortly before the meeting, the two members of the subcommittee provided staff with revised proposals for the "don't use the internet" instructions. At the meeting, the committee reworked the proposals that the subcommittee drafted as follows:

For Qualifications, the committee unanimously concluded that the Qualifications instructions for both the criminal instructions and the Jimmy Ryce instructions should track the Qualifications instruction from the two other committees.

For instruction 1.1, only minor changes were made: 1) "cell phones" was substituted for "computers;" 2) a sentence was added about turning the cell phone/devices completely off while in the courtroom; 3) "court deputy" was added in brackets; and 4) the italicized note in the Comment section was un-italicized. These amendments were approved unanimously.

For instruction 2.2, the committee copied the Alternatives A and B that will be proposed in instruction 201.2. The committee copied language in what will be instruction 301.10 and created a paragraph about jurors not communicating with anyone. The committee re-located a paragraph about how jurors should behave during recesses. The committee copied from 201.2 and added an explanation for the reasons for the rules. The committee copied from 1.01 and added a paragraph about bench conferences. Finally, the committee copied from Notes on Use in 201.2 and added an explanation in the Comment section about Fla. R. Jud. Admin. 2.451. The amendments to 2.2 were approved unanimously.

For instruction 3.13, the committee unanimously agreed to add a paragraph to cover the situation where the judge allowed jurors to keep their cell phones in the courtroom but would not allow the jurors to take the cell phones into the jury room to deliberate. The committee then discussed whether it was necessary to repeat the idea that the verdict must be unanimous. Some members thought that paragraph should be left alone. Some members reported that their judges did not read that paragraph anyway because it was repetitious. The committee discussed all the other places jurors are instructed about unanimity. The vote was 5-4 to propose that those two sentences be deleted from 3.13.

Because it took so long to go through all of these changes, the committee did not want to spend more time on the same issues for the Jimmy Ryce instructions. Instead, the committee unanimously agreed that staff should amend the Jimmy Ryce instructions in a way consistent with the changes that were approved to the criminal instructions and then email the Jimmy Ryce proposals to the committee at a later date. Note: The changes made to the four criminal and four Jimmy Ryce instructions will not be published because the FSC set a deadline of March 31 for the three committees to file one joint report.