



**MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE**  
**Meeting Minutes of:**  
**Friday, October 27, 2023**  
**Held via Webex**

**Attendees:** Justice Samour (Chair), Judge Tow (Vice Chair), Chief Judge Blanco, Judge Randall, Judge Schock, Judge Tuttle.

**Staff:** Jeremy Beck (Reporter).

### **I. Instructions Affected by New Legislation**

The Committee reviewed instructions affected by 2023 legislation, which had previously been reviewed by a subcommittee. The Committee approved these instructions, revising new interrogatories related to unlawful manufacturing of a controlled substance.

### **II. Miscellaneous Instructions**

The Committee reviewed revisions to various miscellaneous instructions in light of recent caselaw and other developments. These included instructions regarding “universal malice” (*Garcia v. People*, 2023 CO 30, 531 P.3d 1031) and alternate suspects (*Rios-Vargas v. People*, 2023 CO 35, 532 P.3d 1206). The Committee postponed discussion of *Counterman v. Colorado*, 143 S. Ct. 2106 (2023), and its potential impact on the instructions for a subsequent meeting. Finally, the Committee added a sentence to the end of the first paragraph on Instruction E:03 (presumption of innocence, burden, of proof, and reasonable doubt).

### **III. Pronouns**

The Committee resolved to address its treatment of pronouns in the instructions – such as whether to add the word “they” in brackets alongside “he” and “she” – at a subsequent meeting.

The Chair adjourned the meeting at 4:59 p.m.