



MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE
Meeting Minutes of:
Friday, December 9, 2022
Held via Webex

Attendees: Justice Samour (Chair), Judge Dailey (Vice Chair), Judge Freyre (Vice Chair), Chief Judge Blanco, Judge Randall, Judge Tuttle.

Staff: Jeremy Beck (Reporter).

I. Approval of Minutes

The Committee approved the minutes for the November 18, 2022, meeting.

II. Beyond a Reasonable Doubt

Having previously voted in November to update its definition of “beyond a reasonable doubt,” the Committee continued discussing revised language. Noting prior objections to updating the definition, the Committee unanimously agreed to adopt the “firmly convinced” standard. The Committee also voted 5-1 to juxtapose the phrase “firmly convinced of the defendant’s guilt” against the phrase “real possibility that the defendant is not guilty.” Finally, the Committee determined that it should add a comment encouraging trial courts to guard against arguments that equate the term “real possibility” with “possibility,” “any possibility,” or “remote possibility.” The Committee tasked Justice Samour and the Reporter to draft the language of this comment, which it would then hone either via email or at a future meeting on January 27, 2023.

The Chair adjourned the meeting at 4:10 p.m.