MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE
Meeting Minutes: Friday, January 9, 2026
Supreme Court Conference Room/Webex

Attendees: Justice Samour (Chair), Judge Freyre (Vice Chair, Webex), Judge Tow (Vice Chair), Judge Datz, Judge Randall (Webex), Judge Schock.

Staff: Jeremy Beck (Reporter).

I. Approval of Minutes

The Committee approved the minutes for the meeting of November 7, 2025.

II. Instructions affected by *Erlinger*

The Committee discussed how the case of *Erlinger v. United States*, 602 U.S. 821 (2024)—in which the Supreme Court held that a jury must resolve a statute's requirement that a defendant's prior convictions stemmed from "separate occasions"—affected various instructions. In most cases, the Committee determined that no modification was needed; it did create a new interrogatory regarding prior offenses of domestic violence.

III. Miscellaneous Instructions

The Committee agreed to adopt Judge Datz's proposed instruction concerning live-streaming. The Committee also discussed the instruction on reasonable doubt and decided not to make any changes. Finally, the Committee considered a proposal from a group of law professors to embellish the instruction on the defendant's right not to testify; the Committee declined to adopt the proposal based on several concerns.

IV. Instructions affected by 2025 caselaw

The Committee discussed various instructions potentially affected by 2025 caselaw, and it added comments and made modifications where appropriate. Of note, the Committee discussed *People v. Crawford*, 2025 CO 22, 568 P.3d 426, and its effect on Instruction 3-6:04.5.SP (special instruction for stalking—serious emotional distress). Following the discussion, the Committee resolved to finish revising that instruction over email.

The Chair adjourned the meeting at 4:50 p.m.