

DISTRICT COURT

ARAPAHOE COUNTY, COLORADO

Court Address: Arapahoe County Justice Center
7325 S Potomac St, Centennial, CO 80112-4031

THE PEOPLE OF THE STATE OF COLORADO vs.

DEFENDANT:

JAMES CRAIG

DATE FILED
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ORIGINAL

COURT USE ONLY

Case Number:

23CR664

Division/Ctrm:

201/308

JURY INSTRUCTIONS

Instruction Nos. 1 through 33 given by the Court this 29th day of July, 2025.



Judge Shay Whitaker
District Court Judge

INSTRUCTION NO. 1

Members of the jury, the evidence in this case has been completed. In a moment, I will read to you jury instructions that contain the rules of law you must apply to reach your verdict. You will have copies of what I read to take with you to the jury room. But first, I want to mention a few things you need to keep in mind when you are discussing this case in the jury room.

Until you have returned a verdict, you must not do any research about this case or this kind of case using any source, including dictionaries, reference materials, the internet or any other electronic means. You must not communicate in any way with anyone else about this case or this kind of case until you have returned a verdict in court. This includes your family and friends. If you have a cell phone or other electronic device, you must keep it turned off during jury deliberations.

It is my job to decide what rules of law apply to the case. While the attorneys may comment on some of these rules, you must follow the instructions I give you. Even if you disagree with or do not understand the reasons for some of the rules of law, you must follow them. No single instruction describes all the law which must be applied; the instructions must be considered together as a whole.

During the trial, you received all of the evidence that you may properly consider in deciding the case. Your decision must be made by applying the rules of law that I give you to the evidence presented at trial. Remember, you must not be influenced by sympathy, bias or prejudice in reaching your decision.

You should not allow bias or any kind of prejudice based upon gender to influence your decision.

You must also not be biased for or against the defendant, any witness, or any other party based on any identifying characteristic such as race, religion, age, gender, gender identity, gender expression, sexual orientation, ethnicity, national origin, disability, socioeconomic status, or any other such characteristic. You must not allow bias to influence your verdict.

Remember that you must also guard against unconscious bias (also called implicit bias). Unconscious biases are stereotypes, perceptions, attitudes, or preferences that people may hold without being aware of them. Such biases can affect how we evaluate information and make decisions. You must not allow unconscious bias to influence your verdict.

If you decide that the prosecution has proved beyond a reasonable doubt that the defendant is guilty, it will be my job to decide what the punishment will be. In making your decision, you must not consider punishment at all. At times during the trial, attorneys made objections. Do not draw any conclusions from the objections or from my rulings on the objections. These only related to legal questions I had to decide and should not influence your thinking. If I told you not to consider a particular statement that was made during the trial, you must not consider it in your deliberations, this includes stricken statements by a witness.

Finally, you should consider all the evidence in light of your experience in life.

INSTRUCTION NO. 2

The charges against Dr. James Craig are not evidence. The charges against Dr. Craig are just accusations. The fact that Dr. Craig has been accused is not evidence that he committed any crime.

Dr. Craig is charged with committing the crimes of Murder in the First Degree between and including March 5, 2023 and March 21, 2023; Criminal Solicitation to Commit Tampering with Physical Evidence between and including March 19, 2023 and March 31, 2023; Criminal Solicitation to Commit Tampering with Physical Evidence between and including March 19, 2023 and June 15, 2023; Criminal Solicitation to Commit Perjury in the First Degree between and including March 1, 2023 and May 15, 2024; Criminal Solicitation to Commit Murder in the First Degree between and including October 19, 2024 and November 15, 2024; and Criminal Solicitation to Commit Perjury in the First Degree between and including October 19, 2024 and November 15, 2024 in Arapahoe County, Colorado.

Dr. Craig has pleaded not guilty.

INSTRUCTION NO. 3

Dr. James Craig asserts that he did not murder his wife, Angela Craig. Dr. Craig submits that he ordered arsenic and cyanide at the request of Angela Craig so that she could take her own life if she chose to do so. Dr. Craig contends that he did not administer any poison to Angela Craig at any time.

INSTRUCTION NO. 4

Every person charged with a crime is presumed innocent. This presumption of innocence remains with the defendant throughout the trial and should be given effect by you unless, after considering all the evidence, you are convinced that the defendant is guilty beyond a reasonable doubt. A reasonable doubt can be based on the evidence presented or the lack of evidence presented.

The burden of proof in this case is upon the prosecution. The prosecution must prove to the satisfaction of the jury beyond a reasonable doubt the existence of each and every element necessary to constitute the crime charged.

Reasonable doubt means a doubt based upon reason and common sense which arises from a fair and rational consideration of all of the evidence, or the lack of evidence, in the case. It is a doubt which is not a vague, speculative or imaginary doubt, but such a doubt as would cause reasonable people to hesitate to act in matters of importance to themselves.

After considering all the evidence, if you decide the prosecution has proven each of the elements of a crime charged beyond a reasonable doubt, you should find Dr. Craig guilty of that crime.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements of a crime charged beyond a reasonable doubt, you should find Dr. Craig not guilty of that crime.

INSTRUCTION NO. 5

In this case a separate offense is charged against the defendant in each count of the Information. Each count charges a separate and distinct offense and the evidence and the law applicable to each count should be considered separately, uninfluenced by your decision as to any other count. The fact that you may find the defendant guilty or not guilty of one of the offenses charged, should not control your verdict as to any other offense charged against the defendant.

Dr. James Craig may be found guilty or not guilty of any one or all of the offenses charged.

INSTRUCTION NO. 60

The number of witnesses testifying for or against a certain fact does not, by itself, prove or disprove that fact.

INSTRUCTION NO. 7

You are the sole judges of the credibility of each witness and the weight to be given to the witness's testimony. You should carefully consider all of the testimony given and the circumstances under which each witness has testified.

For each witness, consider that person's knowledge, motive, state of mind, demeanor, and manner while testifying. Consider the witness's ability to observe, the strength of that person's memory, and how that person obtained his or her knowledge. Consider any relationship the witness may have to either side of the case, and how each witness might be affected by the verdict. Consider how the testimony of the witness is supported or contradicted by other evidence in the case. You should consider all facts and circumstances shown by the evidence when you evaluate each witness's testimony.

You may believe all of the testimony of a witness, part of it, or none of it.

INSTRUCTION NO. 8

You are not bound by the testimony of witnesses who have testified as experts; the credibility of an expert's testimony is to be considered as that of any other witness. You may believe all of an expert witness's testimony, part of it, or none of it.

The weight you give the testimony is entirely your decision.

INSTRUCTION NO. 9

Exhibit 79(B) was admitted as a demonstrative exhibit. It should be used to assist in conjunction with Garrett Lord's testimony and opinions.

INSTRUCTION NO. 10

The credibility of a witness may be challenged by showing that the witness has been convicted of a felony. A previous felony conviction is one factor you may consider in determining the credibility of a witness. It is up to you to determine what weight, if any, is to be given to such a conviction.

INSTRUCTION NO. 11

Every defendant has a constitutional right not to testify. The decision not to testify cannot be used as an inference of guilt and cannot prejudice Dr. Craig. It is not evidence, does not prove anything, and must not be considered for any purpose.

INSTRUCTION NO. 12

A fact may be proven by either direct or circumstantial evidence. Under the law, both are acceptable ways to prove something. Neither is necessarily more reliable than the other.

Direct evidence is based on first-hand observation of the fact in question. For example, a witness's testimony that he looked out a window and saw snow falling might be offered as direct evidence that it had snowed.

Circumstantial evidence is indirect. It is based on observations of related facts that may lead you to reach a conclusion about the fact in question. For example, a witness's testimony that he looked out a window and saw snow covering the ground might be offered as circumstantial evidence that it had snowed.

INSTRUCTION NO. 13

Portions of certain exhibits were redacted by order of the Court. Do not speculate about what was redacted or why.

INSTRUCTION NO. 14

The parties have agreed as to the existence of certain facts. You may regard those facts as proven. Specifically, the parties have stipulated to the following facts:

- The letter designated People's Exhibit 44 was received at the home of Dr. Craig's parents shortly after its post-mark date of March 18, 2024.

INSTRUCTION NO. 15

A party may ask the Court to take judicial notice of certain facts. When the Court takes judicial notice of a fact, it means that the Court has allowed the fact into evidence without requiring proof of it. You may, but are not required to, accept any fact judicially noticed by the Court. It is entirely your decision to determine what weight, if any, shall be given to the evidence.

In this case, the Court has taken judicial notice of the following facts:

- Nathaniel Harris has an open probation violation in Denver County case number 23CR6316 and has a sentencing hearing date on July 31, 2025.

INSTRUCTION NO. 16

The evidence you heard concerning extramarital relationships was presented for Dr. Craig's motive and intent to commit the crimes charged only. You may not consider it for any other reason.

INSTRUCTION NO. 17

The evidence you heard concerning a prior drugging incident was presented for Dr. Craig's motive, knowledge, and intent to commit the crimes charged only. You may not consider it for any other reason.

INSTRUCTION NO. 18

The evidence you heard concerning bankruptcy was presented for Dr. Craig's motive and intent to commit the crimes charged only. You may not consider it for any other reason.

INSTRUCTION NO. 19

A crime is committed when the defendant has committed a voluntary act prohibited by law, together with a culpable state of mind.

“Voluntary act” means an act performed consciously as a result of effort or determination, and includes the possession of property if the actor was aware of his physical possession or control thereof for a sufficient period to have been able to terminate it.

Proof of the voluntary act alone is insufficient to prove that Dr. Craig had the required state of mind.

The culpable state of mind is as much an element of the crime as the act itself and must be proven beyond a reasonable doubt, either by direct or circumstantial evidence.

In this case, the applicable state(s) of mind are defined as follows:

The term **“after deliberation”** means not only intentionally but also that the decision to commit the act has been made after the exercise of reflection and judgment concerning the act. An act committed after deliberation is never one which has been committed in a hasty or impulsive manner.

A person acts **“intentionally”** or **“with intent”** when his conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial to the issue of specific intent whether or not the result actually occurred.

A person acts **“knowingly”** with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such a circumstance exists. A person acts “knowingly” with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.

A person acts “**recklessly**” when he consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

A person acts “**with criminal negligence**” when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists

INSTRUCTION NO. 20

The elements of the crime of Murder in the First Degree are:

1. That Dr. James Craig,
2. in the State of Colorado, at or about the date and place charged,
3. after deliberation, and
4. with the intent,
5. to cause the death of Angela Craig,
6. caused the death of Angela Craig.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find Dr. Craig guilty of Murder in the First Degree.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find Dr. Craig not guilty of Murder in the First Degree.

INSTRUCTION NO. 21

If you are not satisfied beyond a reasonable doubt that Dr. Craig is guilty of the offense charged, he may, however, be found guilty of any lesser offense, the commission of which is necessarily included in the offense charged if the evidence is sufficient to establish his guilt of the lesser offense beyond a reasonable doubt.

The offense of Murder in the First Degree as charged in the information in this case necessarily includes the lesser offenses of Murder in the Second Degree, Manslaughter and Criminally Negligent Homicide.

The elements of the Crime of Murder in the Second Degree are:

1. That Dr. James Craig,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. caused the death of Angela Craig.

The elements of the crime of Manslaughter are:

1. That Dr. James Craig,
2. in the State of Colorado, at or about the date and place charged,
3. recklessly,
4. caused the death of Angela Craig.

The elements of the crime of Criminally Negligent Homicide are:

1. That Dr. James Craig,
2. in the State of Colorado, at or about the date and place charged,
3. caused the death of Angela Craig.
4. by conduct amounting to criminal negligence.

You should bear in mind that the burden is always upon the prosecution to prove beyond a reasonable doubt each and every element of any lesser-included offense which is necessarily included in any offense charged in the information; the law never imposes upon a defendant in a criminal case the burden of calling any witnesses or producing any evidence.

After considering all the evidence, if you decide that the prosecution has proven each of the elements of the crime charged or of a lesser-included offense, you should find Dr. Craig guilty of the offense proven, and you should so state in your verdict.

After considering all the evidence, if you decide that the prosecution has failed to prove one or more elements of the crime charged and one or more elements of the lesser-included offenses, you should find Dr. Craig not guilty of these offenses, and you should so state in your verdict.

While you may find Dr. Craig not guilty of the crimes charged and the lesser-included offenses, you may not find Dr. Craig guilty of more than one of the following offenses:

Murder in the First Degree

Murder in the Second Degree

Manslaughter

Criminally Negligent Homicide

INSTRUCTION NO. 22

The elements of the crime of Criminal Solicitation to Commit Tampering with Physical Evidence are:

1. That Dr. James Craig,
2. in the State of Colorado, at or about the date and place charged,
3. with intent to promote or facilitate the commission of tampering with physical evidence,
4. under circumstances that strongly corroborate that intent,
5. commanded, induced, entreated, or otherwise attempted to persuade another person,
6. to commit Tampering with Physical Evidence.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find Dr. Craig guilty of Criminal Solicitation to Commit Tampering with Physical Evidence.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find Dr. Craig not guilty of Criminal Solicitation to Commit Tampering with Physical Evidence.

INSTRUCTION NO. 23

The elements of the crime of Tampering with Physical Evidence, as referenced in Instruction No. 22 are:

1. That the defendant or a third party,
2. in the State of Colorado, at or about the date and place charged,
3. believed that an official proceeding was pending or was about to be instituted, and
4. acting without legal right or authority,
5. knowingly,
6. made, presented or offered any false or altered physical evidence of a felony crime,
7. with intent that it be introduced in the pending or prospective official proceeding.

INSTRUCTION NO. 24

The elements of the crime of Criminal Solicitation to Commit Perjury in the First Degree are:

1. That Dr. James Craig,
2. in the State of Colorado, at or about the date and place charged,
3. with intent to promote or facilitate the commission of perjury in the first degree,
4. under circumstances that strongly corroborate that intent,
5. commanded, induced, entreated, or otherwise attempted to persuade another person,
6. to commit Perjury in the First Degree.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find Dr. Craig guilty of Criminal Solicitation to Commit Perjury in the First Degree.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find Dr. Craig not guilty of Criminal Solicitation to Commit Perjury in the First Degree.

INSTRUCTION NO. 25

The elements of the crime of Perjury in the First Degree, as referenced in Instruction No. 24 are:

1. That the defendant or a third party,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. in any official proceeding,
5. made a materially false statement,
6. which he or she did not believe to be true,
7. under an oath required or authorized by law.

INSTRUCTION NO. 26

The elements of the crime of Criminal Solicitation to Commit Murder in the First Degree are:

1. That Dr. James Craig,
2. in the State of Colorado, at or about the date and place charged,
3. with intent to promote or facilitate the commission of Murder in the First Degree,
4. under circumstances that strongly corroborate that intent,
5. commanded, induced, entreated, or otherwise attempted to persuade another person,
6. to commit Murder in the First Degree.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find Dr. Craig guilty of Criminal Solicitation to Commit Murder in the First Degree.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find Dr. Craig not guilty of Criminal Solicitation to Commit Murder in the First Degree.

INSTRUCTION NO. 27

The elements of the crime of Murder in the First Degree, as referenced in Instruction No. 26 are:

1. The defendant or a third party,
2. in the state of Colorado, at or about the date and place charged,
3. after deliberation, and
4. with the intent,
5. to cause the death of a person other than himself,
6. caused the death of another person.

INSTRUCTION NO. 28

The elements of the crime of Manslaughter (Caused or Aide Suicide) are:

1. That Dr. James Craig,
2. in the State of Colorado, at or about the date and place charged,
3. intentionally,
4. caused or aided Angela Craig to commit suicide.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find Dr. Craig guilty of Manslaughter (Caused or Aide Suicide).

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find Dr. Craig not guilty of Manslaughter (Caused or Aide Suicide).

INSTRUCTION NO. 29

In this case, certain words and phrases have particular meanings.

Accordingly, you are to use the following definitions where these words and phrases appear in instructions that define crimes, defenses, special rules, and verdict questions.

“Materially false statement” means any false statement, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of an official proceeding, or the action or decision of a public servant, or the performance of a governmental function.

“Oath” includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated.

An oath is **“required or authorized by law”** when the use of the oath is specifically provided for by statute, court rule, or appropriate regulatory provision.

“Official proceeding” means a proceeding heard before any legislative, judicial, administrative, or other governmental agency, or official authorized to hear evidence under oath, including any magistrate, hearing examiner, commissioner, notary, or other person taking testimony or depositions in any such proceedings.

“Person,” when referring to the victim of a homicide, means a human being who had been born and was alive at the time of the homicidal act.

“Physical evidence” includes any article, object, document, record, or other thing of physical substance.

INSTRUCTION NO. 30

During this trial you were permitted to submit written questions to witnesses. If a particular question was not asked, do not guess why the question was not asked or what the answer might have been. My decision not to ask a question submitted by a juror is not a reflection on the person asking it, and you should not attach any significance to the failure to ask a question. By making legal rulings on the admissibility of questions, I did not intend to suggest or express any opinion about the question. My decision whether or not to allow a question is based on the applicable rules of evidence and other rules of law, and not on the facts of this particular case. It is my responsibility to assure that all parties receive a fair trial according to the law and the rules of evidence.

The fact that certain questions were not asked must not affect your consideration of the evidence in any way. Do not give greater weight to questions, or answers to questions, that are submitted by yourself or your fellow jurors. In making your decision, you must consider all of the evidence that has been presented.

INSTRUCTION NO. 31

Members of the jury, you may discuss this case only when you are all present and you may only deliberate in the jury room. No juror should attempt to discuss this case with other jurors or anyone else at any other time except when all jurors are in the jury room.

INSTRUCTION NO. 32

Once you begin your deliberations, if you have a question, your foreperson should write it on a piece of paper, sign it and give it to the bailiff, who will bring it to me.

The Court will then determine the appropriate way to answer the question.

However, there may be some questions that, under the law, the Court is not permitted to answer. Please do not speculate about what the answer to your question might have been or why the Court is not able to answer a particular question.

Finally, please be sure to keep the original question and response. Do not destroy them as they are part of the official record in this case, and must be returned to me when you return the instructions and verdict forms at the end of the case.

INSTRUCTION NO. 33

Following closing arguments, the bailiff will escort you to the jury room, where you will select one of your members to be your foreperson. Your foreperson will preside over your deliberations and shall sign any verdict form and verdict question form that you may agree on, according to the rules that I am about to explain.

The verdict for each charge must represent the considered judgment of each juror, and it must be unanimous. In other words, all of you must agree to all parts of it.

Only one verdict shall be returned signed for each count. The verdict forms verdict question forms, and these instructions shall remain in the possession of your foreperson until I ask for them in open court. Upon reaching a verdict and, if required by your verdicts, answering any verdict questions, you will inform the bailiff, who in turn will notify me, and you will remain in the jury room until I call you into the courtroom.

You will be provided with seven verdict forms.

When you have unanimously agreed upon your verdicts you will select the option on each form which reflects your verdict, and the foreperson will sign the verdict forms as I have stated.

I will now read to you the verdict forms. You must not draw any inferences based on the order in which I read them. The verdict forms you will receive reads as follows: