02.28 CLOSING INSTRUCTIONS — GENERAL BEHAVIOR; ELECTION OF FOREPERSON

You are still bound by your oath as a juror to render a verdict according to the law and the evidence. During deliberations, you must conscientiously consider and weigh the evidence, apply the law, and work to reach a verdict.

You will take my instructions, the exhibits, and the verdict form with you to the jury room. When you get to the jury room, you should elect one juror to be your foreperson. That person will preside over the deliberations and speak for you in court.

You will then discuss the case with your fellow jurors. Each of you must decide the case for yourself, but only after you have fully considered the evidence, discussed it with the other jurors, and listened to their views. It is rarely productive for a juror, upon entering the jury room, to make an emphatic expression of his or her opinion on the case or to insist upon a certain verdict. When that happens, that juror may hesitate to change his or her announced position even if shown that it is incorrect.

Do not be afraid to change your opinion if the discussion persuades you that you should. But do not change an honest belief about the evidence simply to reach a verdict.

You are to deliberate from [8:30 a.m. until 4:30 p.m.] each day, except Saturday and Sunday. You may decide among yourselves when to take your lunch break. The bailiff will arrange for lunch and will make phone calls to your families if necessary to let them know your schedule.

You are never to reveal to any person — not even to the bailiff or to the judge — how the jury stands, numerically or otherwise, on the questions before you, until authorized by the judge in open court.

Any juror who believes there has been a violation of my instructions concerning deliberations must send a note reporting this to me as soon as possible.

Use Note

This instruction should be given after the instructions on the substantive law.

Quotient verdicts are covered by Instruction 02.07.

Instruction 2.31 tells the jury about reaching a verdict.

Comment

This instruction draws on fairly common language in instructions given throughout the State of Alaska. It outlines the basic duties of the jury once the evidence is presented and the instructions are given.