

1-1 Arkansas Model Jury Instructions - Criminal AMCI 2d 114

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CHAPTER 1 INTRODUCTORY INSTRUCTIONS

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AMCI 2d 114 INTERPRETERS

Languages other than English [will be used] [have been used] during this trial. The evidence you are to consider is only that provided through the official court interpreters. Although some of you may understand the non-English language used, it is important for all jurors to consider the same evidence. Therefore, you must base your decision on the evidence presented in the English interpretation. You must not rely in any way upon your own interpretation of the witness' words.

NOTE ON USE

This instruction should be given before the foreign language witness testifies or at the beginning of the trial and before the jury begins its deliberations.

COMMENT

This instruction is drawn from materials prepared by the National Center for State Courts. William E. Hewitt, *Court Interpretation: Model Guides for Policy and Practice in the State Courts 152 (1995)*, available at <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/accessfair/id/162>.

A jury instruction is a guideline given by the judge to the jury about the law they will have to apply to the facts they have found to be true. The purpose of the instructions is to help the jury arrive at a verdict that follows the law of that jurisdiction. In his instructions a judge may explain the legal principles pertaining to the subject matter of the case, make it clear to the jury the legal issues they must decide in order to arrive at a verdict, point out what each side must prove in order to win, and summarize the evidence he sees as relevant and explain how it relates to the

issues they must decide. For example, do the facts admitted as evidence and found credible by the jury according to the preponderance of the evidence combined with the application of the legal principles of negligence law warrant a finding by the jury that Smith owed a duty to Jones to be reasonably careful in operating his car?

In giving these instructions, the judge binds the jury. The judge makes clear to the jurors that they are to apply the law to the facts as he gives it to them; they are not to substitute their own judgment as to whether a different law should be applied or whether the law as has been explained to them is unjust. The instructions are to be given in terms a layperson can easily understand. In order to help the jury understand the instructions, the judge may give pre-instructions prior to the time immediately following the presentation of both sides of the case. However, the judge is forbidden to comment on the evidence presented in the case. It is the jury's responsibility to independently evaluate the evidence.

The judge reads the instructions to the jury. This is commonly referred to as the judge's **charge** to the jury.

The judge instructs the jury about the relevant laws that should guide its deliberations. (In some jurisdictions, the court may instruct the jury at any time after the close of evidence. This sometimes occurs before closing arguments.) The judge reads the instructions to the jury. This is commonly referred to as the judge's **charge** to the jury.

In giving the instructions, the judge will state the issues in the case and define any terms or words that may not be familiar to the jurors. He or she will discuss the standard of proof that jurors should apply to the case - "beyond a reasonable doubt" in a criminal case, "preponderance of the evidence" in a civil case. The judge may read sections of applicable laws.

The judge will advise the jury that it is the sole judge of the facts and of the credibility (believability) of witnesses. He or she will note that the jurors are to base their conclusions on the evidence as presented in the trial, and that the opening and closing arguments of the lawyers are not evidence. Sometimes judges will explain what basic facts are in dispute, and what facts do not matter to the case.

The judge will point out that his or her instructions contain the interpretation of the relevant laws that govern the case, and that jurors are required to adhere to these laws in making their decision, regardless of what the jurors believe the law is or ought to be. In short, the jurors determine the facts and reach a verdict, within the guidelines of the law as determined by the judge.

Many states allow the lawyers to request that certain instructions be given, but the judge makes the final decisions about them. Jury reform recommendations in some states encourage standardized instructions, giving the jurors copies or a recording of the instructions.