

1.01

The Functions Of The Court And The Jury

[1] Members of the jury, the evidence and arguments in this case have been completed, and I now will instruct you as to the law.

[2] The law that applies to this case is stated in these instructions, and it is your duty to follow all of them. You must not single out certain instructions and disregard others. [When I use the word “he” in these instructions, I mean a male or a female.]

[3] It is your duty to determine the facts and to determine them only from the evidence in this case. You are to apply the law to the facts and in this way decide the case.

[4] [You are not to concern yourself with possible punishment or sentence for the offense charged during your deliberation. It is the function of the trial judge to determine the sentence should there be a verdict of guilty.]

[5] Neither sympathy nor prejudice should influence you. [You should not be influenced by any person's race, color, religion, or national ancestry.]

[6] From time to time it has been the duty of the court to rule on the admissibility of evidence. You should not concern yourselves with the reasons for these rulings. You should disregard questions [and exhibits] which were withdrawn or to which objections were sustained.

[7] Any evidence that was received for a limited purpose should not be considered by you for any other purpose.

[8] You should disregard testimony [and exhibits] which the court has refused or stricken.

[9] The evidence which you should consider consists only of the testimony of the witnesses [and the exhibits] which the court has received.

[10] You should consider all the evidence in the light of your own observations and experience in life.

[11] Neither by these instructions nor by any ruling or remark which I have made do I mean to indicate any opinion as to the facts or as to what your verdict should be.

[12] Faithful performance by you of your duties as jurors is vital to the administration of justice.

Committee Note

Do not use the second sentence of paragraph [4] in capital cases.

Do not use paragraph [4] unless the issue of punishment is raised during trial.

The Committee has added the bracketed material in paragraph [2] to be used when applicable.

Use applicable paragraphs and bracketed material.

For an example of the use of this instruction, see Sample Sets 27.01 through 27.07.