

Judge's Instruction to Jury (Criminal Case)

Ladies and gentlemen of the jury:

It is the duty of the judge to instruct the jury on the law applicable in this case, and it is your duty as jurors to follow the law as I shall state it to you.

The function of the jury is to try the issues of fact that are presented by the allegations in the information filed in this Court, and the defendant's plea of "not guilty." This duty you shall perform uninfluenced by passion or prejudice. You must not suffer yourselves to be biased against a defendant because of the fact that he or she has been arrested for offense, or because any information has been filed against him or her, or because he or she has been brought before the Court to stand trial. None of these facts is evidence of his or her guilt, and you are not permitted to infer or to speculate from any or all of them that he or she is more likely to be guilty than innocent.

By no remark made by the Court during the trial, no by these instructions, does the Court express any opinion as to the facts in this case or what verdict you should return.

You should take the law in this case from the Court's instructions alone. You should not give any weight to statements of counsel or anyone else as to what the law is, nor should you allow yourselves to decide this case contrary to these instructions, even though you might believe that the law ought to otherwise. Counsel, however, are privileged to comment and argue to the jury upon the law as given in these instructions. If, in these instructions, any rule, direction, or idea be stated in varying ways, no emphasis thereon is intended by me, and none must be inferred by you, neither are you to single out any certain sentence, or any individual point or instruction, and ignore the others, but you are to consider all of the instructions as a whole, and are to regard each in the light of all the others. The order in which the instructions are given has no significance.

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Duties of the Jury in Considering Evidence

You are the sole judges of the credibility of all the witnesses who have testified in this case, and of the weight to be given their testimony. A witness is presumed to speak the truth; but this presumption may be repelled by the manner to speak the truth; but by the nature of this or her testimony; or by the evidence affecting his or her character for truth, honesty, or integrity or motives; or by contradictory evidence. In determining the weight to be given to the testimony of any witness, you have a right to consider the appearance of each witness on the stand, his or manner of testifying, his or her fairness, his or her candor, his or her apparent fairness or lack of fairness, his or her apparent intelligence or lack of intelligence, his or her knowledge and means of knowledge on the subject upon which he or she testifies, together with all the other circumstances appearing in evidence on the trial.

The direct evidence of one witness who is entitled to full credit is sufficient for proof of any fact in this case.

A witness false in one part of his or her testimony is to be distrusted in others.

The burden of proof exists upon the plaintiff throughout the trial to establish the guilt of the accused beyond a reasonable doubt, and a conviction is not warranted unless this burden is sustained.

A reasonable doubt is not such doubt as a man may start by questioning for the sake of a doubt, nor a doubt suggested or surmised without foundation in the facts or testimony. It is such a doubt only as in a fair and reasonable effort to reach a conclusion upon the evidence, using the mind in the same manner as in other matters of the highest and gravest importance, prevents the jury from coming to a conclusion in which their minds rest satisfied.

In so using the mind and considering all of the evidence produced, it leads to a conclusion which satisfies the judgment and leaves upon the mind a settled conviction of the truth of the fact by their verdict.

It is possible always to question any conclusion derived from the testimony, but such questioning is not what is termed a reasonable doubt. A reasonable doubt exists only in the state of the case which after the entire comparison and consideration of all the evidence leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge.

You are instructed that all instructions given you in this case should be read and considered together, as a whole, each in the light of the other. The jury should not pick out particular instruction and attempt to determine the law of the case from it alone, but must consider it in connection with other instructions given, if any, on the same point of question.

You are instructed that the burden of proof is upon the prosecution to establish every material allegation of the case to your satisfaction beyond a reasonable doubt. The defendant is presumed innocent until the contrary is proved, and in case of a reasonable doubt as to whether the defendant's guilt is satisfactorily shown, he or she is entitled to an acquittal.

The Court instructs the jury that a defendant in a criminal action cannot be compelled to be a witness against himself or herself, but he or she may be sworn and may testify in his or her own behalf, and the jury in judging of his or her credibility and the weight to be given his or her testimony may take into consideration the fact that he or she is the defendant and the nature and the enormity of the crime of which he or she is accused.