

CR216 Jury Deliberations.

In the jury room, discuss the evidence and speak your minds with each other. Open discussion should help you reach a unanimous agreement on a verdict. Listen carefully and respectfully to each other's views and keep an open mind about what others have to say. I recommend that you not commit yourselves to a particular verdict before discussing all the evidence.

Try to reach unanimous agreement, but only if you can do so honestly and in good conscience. If there is a difference of opinion about the evidence or the verdict, do not hesitate to change your mind if you become convinced that your position is wrong. On the other hand, do not give up your honestly held views about the evidence simply to agree on a verdict, to give in to pressure from other jurors, or just to get the case over with. In the end, your vote must be your own.

Because this is a criminal case, every single juror must agree with the verdict before the defendant can be found "guilty" or "not guilty." In reaching your verdict you may not use methods of chance, such as drawing straws or flipping a coin. Rather, the verdict must reflect your individual, careful, and conscientious judgment as to whether the evidence presented by the prosecutor proved each charge beyond a reasonable doubt.

References

Utah Const. Art. I, § 10.

Utah R. Crim. P. 21(b).

Utah R. Civ. P. 59(a)(2).

75 Am. Jur.2d Trial §§ 1647, 1753, 1781.

Burroughs v. United States, 365 F.2d 431, 434 (10th Cir. 1966).

State v. Lactod, 761 P.2d 23, 30-31 (Utah Ct. App. 1988).

[For questions on jury unanimity:](#)

- [Mental state for murder and aggravated murder, see *State v. Nelson*, 2015 UT 62, 355 P.3d 1031; *State v. Russell*, 733 P.2d 162 \(Utah 1987\).](#)
- [Aggravating factors for aggravated murder, *State v. Tillman*, 750 P.2d 546 \(Utah 1987\); *State v. Hummel*, 2017 UT 19, 393 P.3d 314.](#)
- [Other questions on jury unanimity, see *State v. Hummel*, 2017 UT 19, 393 P.3d 314.](#)

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