

**JURY INSTRUCTION NO. \_\_\_\_\_**

Members of the jury, you have heard and received the evidence and will shortly hear the arguments of counsel. I will now instruct you as to the rules of law which you will use and apply to this evidence in reaching your verdict.

When you took your places in the jury box, you made an oath that you would follow and apply these rules to the evidence in reaching your verdict in this case. It is, therefore, your duty as jurors to follow the law which I shall now state to you.

You are not to be concerned with the wisdom of any rule of law. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your sworn duty to base your verdict upon any other view of law than that given in these instructions.

You are not to single out one instruction alone as stating the law, but you must consider these instructions as a whole.

It is your exclusive province to determine the facts in this case and to consider and weigh the evidence for that purpose. The authority thus vested in you is not an arbitrary power, but must be exercised with sincere judgment, sound discretion, and in accordance with the rules of law.

Both the State of Mississippi and the Defendant have a right to expect that you will conscientiously consider and weigh the evidence and apply the law of the case.

It is your duty to determine the facts and to determine them from the evidence produced in open court. You are to apply the law to the facts and in this way decide the case. You should not be influenced by bias, sympathy, or prejudice. Your verdict should be based on the evidence and not upon speculation, guesswork, or conjecture.

You are required and expected to use your good common sense and sound honest judgment in considering and weighing the testimony of each witness who has testified in this case.

The evidence which you are to consider consists of the testimony and statements of the

witnesses and the exhibit(s) offered and received. You are also permitted to draw such reasonable inferences from the evidence as it seems justified in light of your own experience.

Arguments, statements, and remarks of counsel are intended to help you understand the evidence and apply the law, but are not evidence. If any argument, statement or remark has no basis in the evidence, then you should disregard that argument, statement, or remark.

The production of evidence in court is governed by rules of law. From time to time during the trial it has been my duty as judge to rule on the admissibility of evidence. You must not concern yourself with the reasons for my rulings since they are controlled and governed by the rules of law. You should not infer from any rulings by me on these motions or objections to the evidence that I have any opinion on the merits favoring one side or the other. You should not speculate as to possible answers to questions which I did not require to be answered. Further, you should not draw any inference from the content of these questions. You are to disregard all evidence which was excluded by me from consideration during the course of the trial.

If in stating the law to you I repeat any rule, direction or idea, or if I state the same in varying ways, no emphasis is intended and you must not draw any inference therefrom. The order in which these instructions are given has no significance as to their relative importance.

**JURY INSTRUCTION NO. \_\_\_\_\_**

You, as jurors, are the sole judges of the credibility of the witnesses and the weight their testimony deserves.

You should carefully scrutinize all the testimony given, the circumstances under which each witness has testified, and every matter in evidence which tends to show whether a witness is worthy of belief. Consider each witness' intelligence, state of mind, demeanor and manner while on the stand. Consider the witness' ability to observe the matters as to which he or she has testified, and whether he or she impresses you as having an accurate recollection of these matters. Consider the extent to which it is contradicted by other evidence in the case. Inconsistencies or discrepancies in the testimony of a witness, or between the testimony of different witnesses, may or may not cause the jury to discredit such testimony. Two or more persons witnessing an incident or a transaction may see or hear it differently; and innocent misrecollection, like failure of recollection, is not an uncommon experience. In weighing the effect of a discrepancy, always consider whether it pertains to a matter of importance or an unimportant detail, and whether the discrepancy results from an innocent error or intentional falsehood. After making your own judgment, you will give the testimony of each witness such credibility, if any, as you may think it deserves.

**JURY INSTRUCTION NO. \_\_\_\_\_**

The law presumes every person charged with the commission of a crime to be innocent. This presumption places upon the State the burden of proving the defendant guilty of every material element of the crime with which he is charged. Before you can return a verdict of guilty, the State must prove to your satisfaction beyond a reasonable doubt that the defendant is guilty. The presumption of innocence attends the defendant throughout the trial and prevails at its close unless overcome by evidence which satisfies the jury of his guilt beyond a reasonable doubt. The defendant is not required to prove his innocence.

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The Court instructs the jury that a reasonable doubt may arise from the whole of the evidence, the conflict of the evidence, the lack of evidence, or the insufficiency of the evidence, but, however it arises, if it arises, it is your sworn duty to find the Defendant “NOT GUILTY.”

**JURY INSTRUCTION NO. \_\_\_\_\_**

The verdict of the jury must represent the considered judgment of each juror. In order to return a verdict it will be necessary that each juror agree thereto. In other words, all twelve jurors must agree before a verdict can be rendered by the jury. It is your duty as jurors to consult with one another and to deliberate in view of reaching an agreement, if you can do so without violence to your individual judgment. Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations do not hesitate to reexamine your own views and change your opinion if convinced it is erroneous, but do not surrender your honest convictions as to the weight or effect of evidence solely because of the opinion of your fellow jurors or for the mere purpose of returning a verdict.

**JURY INSTRUCTION NO. \_\_\_\_\_**

Upon retiring to the jury room, you will select one from among your number to act as foreperson. The foreperson will preside over your deliberations and will be your spokesperson before the Court.

If it becomes necessary during your deliberation to communicate with me, please write out your message or question and pass the note to the bailiff. No member of the jury should ever attempt to communicate with me by any means other than a signed writing.

Bear in mind also that you are never to reveal to any person - not even me - how the jury stands, numerically or otherwise, until after you have reached a unanimous verdict unless asked by me in open court to do so.

**JURY INSTRUCTION NO. \_\_\_\_\_**

Members of the Jury, shortly after you were selected I informed you that you could take notes and I instructed you as to the appropriate use of any notes that you might take. Most importantly, an individual juror's notes may be used by that juror only and may not be shown to or shared with other jurors. Notes are only a memory aid and a juror's notes may be used only as an aid to refresh that particular juror's memory and assist that juror in recalling the actual testimony. Each of you must rely on your own independent recollection of the proceedings. Whether you took notes or not, each of you must form and express your own opinion as to the facts of this case. Be aware that during the course of your deliberations there might be the temptation to allow notes to cause certain portions of the evidence to receive undue emphasis and receive attention out of proportion to the entire evidence. But a juror's memory or impression is entitled to no greater weight just because he or she took notes, and you should not be influenced by the notes of other jurors.

Thus, during your deliberations, do not assume simply because something appears in your notes that it necessarily took place in court.

You will notice that we do have an official court reporter making a record of the trial; however, we will not have typewritten transcripts of this record available for your use in reaching a decision in this case.



**JURY INSTRUCTION NO. \_\_\_\_\_**

During the time you serve on this jury, there may be newspaper, radio, or television reports about this case. There might also be reports on the Internet. You may be tempted to read, listen to, or watch them. You must not do so. Fairness requires that you decide this case solely on the evidence presented in the court room.

If you read, listen to or watch these reports, you may be exposed to misleading or inaccurate information. The reports might unfairly favor one side of the case, and the other side will not have a chance to respond. Therefore, you must completely avoid and disregard any of these reports. Reports like these are not evidence. The only information about this case that you can consider will be presented to you in the courtroom. You must let me or my staff know immediately if you or any other jurors see or hear news reports or other reports or comments about the case. It is important that you do so.

**JURY INSTRUCTION NO. \_\_\_\_\_**

The indictment is not evidence. It is merely the formal manner of accusing a person of a crime in order to bring him to trial. You must not consider the indictment as any evidence of the guilt of the defendant, or draw any inference of guilt from it.

**JURY INSTRUCTION NO. \_\_\_\_\_**

You may not communicate with anyone about the case on your cell phone, through e-mail, BlackBerry, iPhone, text messaging or on Twitter, through any blog or website, through any Internet chat room, or by way of any other social-networking Web sites, including Facebook, MySpace, LinkedIn and YouTube.

**JURY INSTRUCTION NO. \_\_\_\_\_**

The rules of evidence provide that where scientific, technical, or other specialized knowledge might assist the jury in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify and state his opinion concerning such matters. You will recall that expert testimony has been given in this case. You should consider each expert opinion received in evidence in this case and give it such weight as you may think it deserves. If you should decide that the opinion of an expert witness is not based upon sufficient education and experience, or if you should conclude that the reasons given in support of the opinion are not sound, or that the opinion is outweighed by other evidence, then you may disregard the opinion entirely.

**JURY INSTRUCTION NO. \_\_\_\_\_**

The Court instructs the jury that you must not consider the fact that the defendant did not testify as evidence against him, and no inference of any kind may be drawn from the fact that the defendant did not testify in this case.