

IN THE CIRCUIT COURT OF _____ COUNTY, MISSISSIPPI

**STATE OF MISSISSIPPI
VS.**

**PLANTIFF
CAUSE NO.
DEFENDANT**

JURY INSTRUCTION NO. C-CR-1

Members of the jury, you just have heard all the testimony in the case. What I am stating to you from this point on is the law that applies to this case. It is my duty to instruct you as to the law and it is your duty as jurors to follow these instructions. You are not to question 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 the law than that given you in these instructions.

You are not to single out one instruction alone as a whole. Neither the manner in which the instruction are given, nor the number of instructions on any given proposition is of any significance in determining the relative importance of such instructions.

Your oath as a juror requires you to follow any apply these laws. Regardless of any opinion you may have about the law should be, you must, under your oath, follow these laws in reaching your verdict.

You must decide what the facts are in this case. In other words, you must decide what happen. In deciding what happened, you will have to decide how much of each witnesses testimony you believe and how much weight you will give to that testimony. In making these decisions you are expected to use good judgment and common sense.

The Court instructs you that it is your duty to determine the facts and to determine them from the evidence presented in open court. You are to apply the law to the facts and in this way decide the case. It is your duty alone to determine the facts in this case and to consider and weigh the evidence for that purpose. Your verdict should be based on the evidence and not upon speculation, guesswork or conjecture. 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 stated to you by the Court. You should not be influenced by bias, sympathy, or prejudice, based on race, religion, or any other matter, Please note that it is my duty throughout the trial to be completely fair to both sides, and if any instructions, ruling or statement by the Court seems

to indicate to you that the Court has any opinion about the case on any particular fact, such indication would be completely false, and you must disregard it.

The parties in this case have a right to expect that you will conscientiously consider and weigh the evidence and apply the law of the case, and that you will reach a just verdict regardless of what the consequences of such verdict may be.

The evidence which you are to consider consists of the testimony of the witnesses and any exhibits admitted into evidence. You are permitted to draw such reasonable inferences from the evidence as seem justified in light of your own experience.

As sole judges of the facts in this case, you determine what weight will be assigned the testimony and supporting evidence and the credibility of each witness in this case. You have the duty to determine the believability of the witnesses. In performing this duty you are sole judges of the credibility of each witness and the weight and worth of their testimony. You may consider the interest any witness may have in this case, his or her relationship with the parties in the case, and his or her demeanor of the witness stand. In judging the credibility of witnesses, you may also consider their opportunity for knowing and seeing the facts and conditions about which they testified, their candor, fairness, and intelligence, and the extent to which their testimony has been supported or contradicted by other credible evidence. You are required to use good common sense and sound, honest judgment in considering and weighing the testimony of each witness. You may, short, accept or reject the testimony of any witness in whole or in part.

The production of evidence is governed by rules of law, and from time to time during the trial the Court may have ruled on the admissibility of evidence. You are to disregard all evidence excluded by the Court and must not concern yourself with the reasons for the Court's rulings since they are controlled by rules of law. You should not speculate as to possible answers to questions which the Court did not require be answered, and you should not draw any inference from the content of those questions.

The verdict must represent the thoughtful judgment of each juror and must not be arrived at by drawing lots or by some other means of chance. Your duty is to consult with one another and to deliberate, while keeping in mind that your goal is to reach a verdict, if you can do so without abandoning your individual judgment. Each of you must decide this case for yourself. But do so only after thoughtfully considering all of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own views and to change your

opinion if you become convinced it is wrong. But, do not surrender your honest convictions regarding the credibility or weight of the evidence solely because of the opinion of your fellow jurors or merely for the purpose of returning a verdict.

After I have completed reading these instructions the attorneys will make closing arguments. These arguments are intended to help you understand the evidence and apply the law. But, arguments are not evidence. Therefore, if a statement is made during the arguments which are not based upon evidence, you should disregard the statement entirely.

All twelve (12) of you must agree on a verdict before you can return it into open court as the verdict of the jury.

When you reach a verdict in this case, it should be written on a separate piece of paper, and need not be signed by you.