Article VI §6, Bylaws of the State Bar of Michigan
No later than May 1 of each year, the chair of each committee and subentity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or subentity.

Committee Name: Standing Committee on Jury Instructions, Criminal

Jurisdiction: Draft proposed standard criminal jury instructions

Chair(s) and Committee Members:

<table>
<thead>
<tr>
<th>Officer</th>
<th>Name</th>
<th>Address</th>
<th>Telephone</th>
<th>Email</th>
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<tbody>
<tr>
<td>Chair</td>
<td>Hon. William J. Caprathe</td>
<td>18th Circuit Court, 1230 Washington Ave., Ste. 251, Bay City, MI 48078</td>
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<td><a href="mailto:beaprathe@netscape.net">beaprathe@netscape.net</a></td>
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<td>Staff Liaison</td>
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<tr>
<td>Commissioner</td>
<td>Thomas C. Rombach</td>
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Member/Advisor/Other  | Term  | Member/Advisor/Other  | Term  |
J. Mark Cooney       |       | LaNita R. Haith      |       |
Frank K. Rhodes, III |       | Karen K. Plants      |       |
Opolla Brown         |       | Brandy Y. Robinson   |       |
Hon. Thomas S. Eveland |     | Hon. Thomas L. Solka |       |
T. Lynn Hopkins      |       | Ronald J. Bretz      |       |
Walter C. Pookrum    |       | Hon. Gene Schnelz    |       |
Jeffrey T. Rogg      |       | Hon. Brian R. Sullivan|      |
Thomas J. Vailliencourt, Jr. |   | Hon. Timothy M. Kenny (Reporter) |     |
Hon. John T. Hammond |       | Daniel D. Kopka      |       |
Rudolph A. Serra     |       |                      |       |
Stephen M. Taratuta  |       |                      |       |
Hon. Annette M. Jurkiewicz-Berry | |                      |       |
Kym L. Worthy        |       |                      |       |
Hon. William J. Caprathe |     |                      |       |


Committee Meeting Schedule:
Please attach any additional information needed regarding Committee meetings as an addendum.

<table>
<thead>
<tr>
<th>Meeting Type</th>
<th>Date</th>
<th>Location</th>
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<tbody>
<tr>
<td>Regular Committee Meeting</td>
<td>May 17, 2008</td>
<td>State Bar of Michigan</td>
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<tr>
<td>Regular Committee Meeting</td>
<td>September 20, 2008</td>
<td>State Bar of Michigan</td>
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Resources provided by the State Bar of Michigan in support of committee work:
Printing and distribution of agenda, meeting rooms and refreshments, staff liaison.

Committee Activities:
The committee met at the State Bar Building on May 17, 2008. CJI2d 20.18, Assault with Intent to Commit Criminal Sexual Conduct in the Second Degree; proposed Instruction CJI2d 12.9, Delivery of a Controlled Substance Causing Death, DJI2d 20.28 and CJI2d 5.8b Other Sex Acts with Minor; CJI2d 17.2a, Domestic Assault; CJI 2d 18.1, Armed Robbery; CJI2d 7.2(2), Murder: Defense of Accident; CJI2d 26.1 Receiving and Concealing Stolen Property; Proposed CJI2d.4.17, Drug Profile Evidence; CJI 20.2, Criminal Sexual Conduct in the Second Degree; and Assault, Placing in Fear were reviewed.

The committee met at the State Bar Building on September 20, 2008. It acted on five matters.
CJI2d.17.1, Definition of “Assault” was reviewed in light of the Supreme Court denial of leave in People v Davis, 277 Mich App 676 (2008). As a result, the assault instructions will now read that "the defendant did an act that would cause a reasonable person to fear or apprehend an immediate battery.” All instructions defining assault will be changed according.

CJI2d 34.4, Criminal Non-Support. The committee adopted an instruction for the crime of failing to pay support for his/her former or current spouse/child[ren] including three elements to be proven beyond a reasonable doubt.
CJI2d 20.4, Complainant Between Thirteen and Sixteen Years of Age. MCL 750.520c was amended effective July 1, 2008 and the committee amended the instruction to add two aggravating circumstances.

CJI2d 20.11(a) et al regarding aggravating circumstances for CSC1, CSC2 and assault with intent to commit CSC2. MCL 750.520c was amended effective July 1, 2008 and standard instructions are needed to set forth four aggravating circumstances. Instructions were proposed.

Identification Theft. The committee considered the need for identity theft instructions and decided that none were now necessary.

Chair Judge Charles Miel announced his retirement as chair of the committee, and Judge Randy Tahvonen resigned as reporter. State Bar President Edward Pappas appointed Judge William Caprathe as chair of the committee, and Judge Timothy Kenny as reporter.

Committee membership was reviewed to assure that prosecution and defense were fairly represented, and new appointments were made. A plain language expert was added to the committee, and ICLE provided all committee members with a publication entitled “Communicating with Juries: How to Draft More Understandable Jury Instructions” by Peter M. Tiersma.

Future Goals and Activities: The committee will continue to review and adopt criminal jury instructions.

Other Information: