

## **INSTRUCTIONS TO BE CONSIDERED AS A WHOLE**

You must consider these instructions as a whole and regard each instruction in the light of all the others. The order in which the instructions are given is of no significance. You are free to consider the issues in any order you wish.

## **DUTIES OF JUDGE AND JURY**

It is your duty to decide the questions of fact in this case. It is my duty to give you the rules of law you must apply in arriving at your verdict.

You must follow and apply the rules of law as I give them to you, even if you believe the law is or should be different. Deciding questions of fact is your exclusive responsibility. In doing so, you must consider all the evidence you have heard and seen in this trial, and you must disregard anything you may have heard or seen elsewhere about this case.

I have not by these instructions, nor by any ruling or expression during the trial, intended to indicate my opinion regarding the facts or the outcome of this case. If I have said or done anything that would seem to indicate such an opinion, you are to disregard it.

## **PRESUMPTION OF INNOCENCE**

The defendant is presumed innocent of the charges made. This presumption remains with the defendant unless and until the defendant has been proven guilty beyond a reasonable doubt. That the defendant has been brought before the court by the ordinary processes of the law and is on trial should not be considered by you as in any way suggesting guilt. The burden of proving guilt is on the State. The defendant does not have to prove innocence.

## **PROOF BEYOND A REASONABLE DOUBT**

Proof beyond a reasonable doubt is such proof as ordinarily prudent men and women would act upon in their most important affairs. A reasonable doubt is a doubt based upon reason and common sense. It does not mean beyond all possibility of doubt, or a doubt based upon speculation or irrelevant details.

## **DIRECT AND CIRCUMSTANTIAL EVIDENCE**

A fact may be proven by either direct or circumstantial evidence, or by both. The law does not prefer one form of evidence over the other.

A fact is proven by direct evidence when, for example, it is proven by witnesses who testify to what they saw, heard, or experienced, or by physical evidence of the fact itself. A fact is proven by circumstantial evidence when its existence can be reasonably inferred from other facts proven in the case.

## **RULINGS ON OBJECTIONS TO EVIDENCE**

During this trial I have ruled on objections to certain testimony and exhibits. You must not concern yourself with the reasons for the rulings, since they are controlled by rules of evidence.

By admitting into evidence testimony and exhibits as to which objection was made, I did not intend to indicate the weight to be given such testimony and evidence. You are not to speculate as to possible answers to questions I did not require to be answered. You are to disregard all evidence I have ordered stricken or have told you to disregard.

## **STATEMENTS OF JUDGE AND ATTORNEYS**

Attorneys are officers of the court. It is their duty to make objections they think proper and to argue their client's cause. However, the arguments or other remarks of an attorney are not evidence.

If the attorneys or I have made or should make any statement as to what the evidence is, which differs from your recollection of the evidence, you should disregard the statement and rely solely on your own memory. If an attorney's argument contains any statement of the law that differs from the law I give you, disregard the statement.

## **NOTES TAKEN BY JURORS**

You have been allowed to take notes during the trial. You may take those notes with you to the jury room. You should not consider these notes binding or conclusive, whether they are your notes or those of another juror. The notes should be used as an aid to your memory and not as a substitute for it. It is your recollection of the evidence that should control. You should disregard anything contrary to your recollection that may appear from your own notes or those of another juror. You should not give greater weight to a particular piece of evidence solely because it is referred to in a note taken by a juror.

### **EVALUATION OF TESTIMONY – BELIEVABILITY OF WITNESS**

You are the sole judges of whether a witness is to be believed and of the weight to be given a witness's testimony. There are no hard and fast rules to guide you in this respect. In determining believability and weight of testimony, you may take into consideration the witness's:

- [1] Interest or lack of interest in the outcome of the case,
- [2] Relationship to the parties,
- [3] Ability and opportunity to know, remember, and relate the facts,
- [4] Manner,
- [5] Age and experience,
- [6] Frankness and sincerity, or lack thereof,
- [7] Reasonableness or unreasonableness of their testimony in the light of all the other evidence in the case,
- [8] Any impeachment of the witness's testimony,
- [9] And any other factors that bear on believability and weight.

You should rely in the last analysis upon your own good judgment and common sense.

## **EXPERT TESTIMONY**

A witness who has special training, education, or experience in a particular science, occupation, or calling is allowed to express an opinion as to certain facts. In determining the believability and weight to be given such opinion evidence, you may consider:

- [1] The education, training, experience, knowledge, and ability of the witness,
- [2] The reasons given for the opinion,
- [3] The sources of the information,
- [4] Factors already given you for evaluating the testimony of any witness.

Such opinion evidence is entitled to neither more nor less consideration by you than any other evidence.

## **IMPEACHMENT**

In deciding the believability and weight to be given the testimony of a witness, you may consider evidence of a statement by or conduct of the witness on some prior occasion that is inconsistent with present testimony. Evidence of any prior inconsistent statement or conduct should be considered only to test the believability and weight of the witness's testimony. In the case of the defendant, however, evidence of any statement he may have made may be considered by you for all purposes.

## **EVIDENCE OF CHARACTER**

In this case you have heard evidence as to the general character and character for honesty of the defendant. You should consider such evidence with all the other evidence in the case in determining whether or not the prosecution has proven the defendant's guilt beyond a reasonable doubt.

## **MULTIPLE OFFENSES CONSIDERED SEPARATELY**

In this case, the defendant has been charged with multiple offenses. You should consider each offense, and the evidence pertaining to it, separately. That you may find defendant guilty or not guilty as to one of the charged offenses should not control your verdict as to any other offense.

## **VERDICT FORMS**

You will be provided with three sets of verdict forms. For each alleged offense that you are to consider, you will receive two verdict forms, one indicating a finding of Not Guilty and the other indicating a finding of Guilty. For each of the alleged offenses you will have to return the form indicating your finding, signed by the presiding juror.

With regard to each of the alleged offenses, I will now give you the legal definition of the offense and the elements of each offense that the State must prove.

## **DEFINITIONS OF WORDS**

In these instructions I have defined certain words and phrases. If so, you are to use those definitions in your deliberations. If I have not defined a word or phrase, you should apply the common, ordinary meaning of that word or phrase.

### **MANSLAUGHTER IN THE SECOND DEGREE - DEFINED**

Under Minnesota law, whoever, by culpable negligence, whereby he creates an unreasonable risk and consciously takes the chance of causing death or great bodily harm to another person, causes the death of another is guilty of manslaughter in the second degree.

### **MANSLAUGHTER IN THE SECOND DEGREE - ELEMENTS**

The elements of manslaughter in the second degree are:

**First**, the death of must be proven.

**Second**, the defendant caused the death of Philando Castile by culpable negligence, whereby the defendant created an unreasonable risk and consciously took a chance of causing death or great bodily harm.

“Culpable negligence” is intentional conduct that the defendant may not have intended to be harmful, but that an ordinary and reasonably prudent person would recognize as involving a strong probability of injury to others. Culpable negligence is more than ordinary negligence. It is more than gross negligence. It is gross negligence coupled with an element of recklessness. It is a conscious disregarding of a substantial and unjustifiable risk of which one actually is aware, and not a disregarding of a risk of which one should be aware.

“Great bodily harm” means bodily injury that creates a high probability of death, or causes serious permanent disfigurement, or causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

**Third**, the defendant's act took place on July 6, 2016, in Ramsey County.

If you find that each of these elements has been proven beyond a reasonable doubt, the defendant is guilty of Count 1, Manslaughter in the Second Degree. If you find that any element has not been proven beyond a reasonable doubt, the defendant is not guilty of that offense.

### **INTENTIONAL DISCHARGE OF A FIREARM - DEFINED**

Under Minnesota law, whoever intentionally discharges a firearm under circumstances that endanger the safety of another is guilty of a crime.

### **INTENTIONAL DISCHARGE OF A FIREARM - ELEMENTS**

The elements of intentional discharge of a firearm are:

**First**, the defendant discharged a firearm.

**Second**, the defendant acted intentionally in discharging the firearm. “Intentionally” means that the actor either has a purpose to do the thing or cause the result specified, or believes that the act performed by the actor, if successful, will cause the result. In addition, the actor must have knowledge of those facts that are necessary to make the actor's conduct criminal and that are set forth after the word “intentionally.”

**Third**, the discharge of the firearm was under circumstances that endangered the safety of another person.

**Fourth**, the defendant's act took place on July 6, 2016, in Ramsey County.

If you find that each of these elements has been proven beyond a reasonable doubt as to Count 2, Intentional Discharge of a Firearm as to Diamond Reynolds, or Count 3, Intentional Discharge of a Firearm as to Dae-anna Reynolds, the defendant is guilty of that particular offense.

If you find that any element has not been proven beyond a reasonable doubt as to Count 2 or Count 3, the defendant is not guilty of that particular offense.

## **CAUSATION**

“Causes” or “proximate cause” means that the defendant's or other person’s acts were a substantial factor in causing the death of Philando Castile or endangering the safety of another person.

## **AUTHORIZED USE OF DEADLY FORCE BY POLICE OFFICERS**

The statutes of the State of Minnesota provide that the use of deadly force by a peace officer in the line of duty is justified, and no crime is committed, when necessary to protect the peace officer or another from apparent death or great bodily harm.

The State has the burden of proving beyond a reasonable doubt that the defendant was not authorized to use deadly force.

### **REASONABLENESS OF USE OF FORCE**

As to each of the counts, the “reasonableness” of a particular use of force must be judged from the perspective of an officer acting reasonably at the moment he is on the scene, rather than with the 20/20 vision of hindsight. The reasonableness inquiry extends only to those facts known to the officer at the precise moment the officer acted with force. The determination of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments about the amount of force that is necessary in a particular situation under circumstances that are tense, uncertain, and rapidly evolving.

### **NEGLIGENCE OF DECEDENT**

The negligence of the decedent, Philando Castile, if any, is not a defense to any of the charges in this case. If there was any negligence by Mr. Castile, you can consider it only insofar as it tends to show that the defendant was not himself culpably negligent or that his acts were not the proximate cause of Mr. Castile’s death or the endangerment of Diamond Reynolds or Dae-anna Reynolds.

### **CARRYING A PISTOL WHILE UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE**

The statutes of Minnesota provide that a person shall not possess ammunition or a pistol or any other firearm if the person is an unlawful user of a controlled substance, which includes marijuana.

### **DUTIES OF JURORS: SELECTION OF FOREPERSON; UNANIMOUS VERDICT; DELIBERATION; RETURN OF VERDICT**

When you return to the jury room to discuss this case you must select a jury



member to be foreperson. That person will lead your deliberations. The opinions of the individual you select do not carry any greater significance than those of any other juror.

In order for you to return a verdict, whether guilty or not guilty, each juror must agree with that verdict. Your verdict must be unanimous.

You should discuss the case with one another, and deliberate with a view toward reaching agreement, if you can do so without violating your individual judgment. You should decide the case for yourself, but only after you have discussed the case with your fellow jurors and have carefully considered their views. You should not hesitate to reexamine your views and change your opinion if you become convinced they are erroneous, but you should not surrender your honest opinion simply because other jurors disagree or merely to reach a verdict.

The foreperson must date and sign the verdict form when you have finished your deliberations and reached a verdict.

When you agree on a verdict, notify the bailiff. You will return to the courtroom where your verdict will be received and read out loud in your presence.

### **FINAL INSTRUCTION: DUTY OF A JURY**

Finally, you must remember that the authority vested in you is not an arbitrary power, but one that must be exercised with sincere judgment, sound discretion, and in accordance with the facts as you find them from the evidence and the law that I have just given to you. The responsibility that rests upon you should be borne courageously and without fear or favor. Be fair and act honestly. Deliberate without prejudice, bias or sympathy and without regard to your own personal likes or dislikes. We will await your verdict.