

1.11 PRELIMINARY CHARGE (Approved 11/1998; Revised 06/2018)

C. Jurors Not to Visit Accident Scene or Do Investigations, or Conduct Any Independent research of Any Nature, Including Use of the Internet or Other Electronic Media¹

[To be given after the jury is sworn in but before the openings.]

Where case involves an accident:

While this case is pending, you must not visit [*the scene of the accident*] [*the place where the incident occurred*]. That area may have changed from the time of the [*accident*] [*incident*] until now.

In all cases:

While this case is pending, you must not conduct any research or make any investigations on your own about the case. You are prohibited from conducting any investigation or research whatsoever. That is not your job. Your job is to decide the case based solely upon the evidence presented to all of you here in the courtroom.

You must not investigate, research, review or seek out information about the issues in the case, either specifically or generally, the parties, the attorneys, the witnesses, or court personnel, either in traditional formats such as newspapers, books, advertisements, television, radio broadcasts, magazines, or through any

¹ Approved 11/1998; Revised 05/2010 to add reference to use of the internet and other electronic media; Revised 04/2012 to clarify importance and scope of prohibition; Revised 8/2012 to add updated social media platforms as well as a general prohibition to use social media to research or discuss the case.)

research or inquiry on the Internet, or through the use of any computer, phone, text device, smart phone, tablet or any other electronic device. You must also not attempt to communicate with others about the case or even about general subject matters raised during this case, either personally or through computers, cell phones, text messaging, instant messaging, blogs, or any other form of social media or electronic communication. Such as, but not limited to Facebook, Twitter, Instagram or the like. You must not go on the Internet, participate in, or review any websites, Internet chat rooms or blogs, and you must not seek out photographs, documents, or information of any kind that may in any way relate to this case. You must not even look up in a dictionary or on-line a definition of a word or legal phrase that has been used at trial, either by the witness, an attorney, or the Court, that you do not understand. It is the job of this Court to ensure that you are provided with all of the information that you are permitted to have in order to decide this case.

Why is this restriction imposed? You are here to decide this case based solely on the evidence — or lack of evidence — that is presented in this courtroom. You may wrongly be inclined to think that different or additional information from other sources would be helpful to you, or that this prohibition is somehow artificial. Many of you regularly use the Internet to do research or to examine matters of interest to you. You may have seen information in the media that suggests to you that the type or quality of information that you are being presented with in this particular case is

not what you expected or what should be presented to you. This is not for you to determine. You must understand that any information you might access from sources outside of what is presented in this courtroom is not evidence. One of the problems is that what you are examining may be wrong, incomplete, or inaccurate. That material may be outdated, or may simply not be applicable in this particular case. Indeed, there often is no way to determine whether the information that we obtain from other sources, such as the Internet, is correct or has any relevance to this case. There may be other reasons that certain information is not being presented to you and it is not for you to question why that may be. Our system of justice requires that you, as a juror, not be influenced by any information outside of this courtroom. Otherwise, your decision may be based on material which only you, and none of your fellow jurors, know. This would unfairly and adversely impact the judicial process. We must make certain that all of you hear the same evidence. Just as you must not obtain information for your own use, you also must not obtain any information from sources outside the courtroom and share it with your fellow jurors. We must also make certain that each party has a fair opportunity to refute or explain evidence offered against it or that may be unfavorable to its case.

Please understand this clearly. If it is determined that any one of you has violated this directive and conducted any type of research or investigation outside of this courtroom, it may result in a mistrial, which would require this case to be tried

again at great cost to the parties and the judicial system, and it may lead to a penalty being imposed upon the person who violates this directive, or fails to advise the Court if another member of the jury has violated this directive.