

**1.23 PRELIMINARY INSTRUCTIONS REGARDING JUROR'S QUESTIONS** (Approved 9/02)

In this trial, after the lawyers have asked their own questions of each witness, I will give you an opportunity to write out any additional questions you may have for that witness. Any questions you submit should be to clarify the testimony the witness has given. Your questions should not state an opinion, make critical or favorable comment, or express any view about the case. You may not argue with the witness through a question.

The Court Officer will collect your written questions and give them to me. I will then excuse the jury and the witness, while I discuss your questions with the lawyers. If I decide that any additional questions are proper, I will call the witness back to answer those questions in your presence.

Keep in mind that the rules of evidence or other rules of court may prevent me from allowing some questions. I will apply the same rules to your questions that I apply to the questions asked by lawyers. Some questions may be modified or rephrased. Some may be asked just as you have written them, and others may not be asked at all. If a question that you submitted is not asked, you should not take it personally, nor should you attach any significance to my decision not to allow the

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question. I caution you not to treat juror's questions or the answers to those questions differently than you would treat any other testimony. You are to carefully consider all of the testimony and other evidence in this case before deciding how much weight to give particular testimony.

Remember that you are neutral fact finders and not advocates for either party.

You must keep an open mind until all of the evidence has been presented, the lawyers have concluded their summations, and you have received my instructions on the law. Then, in the privacy of the jury room, you will exchange views with your fellow jurors.

Any question you submit should be yours alone and not the product of discussion with any other juror. That is in keeping with my overall instruction that you must not discuss the case among yourselves until you have heard my final instructions on the law, and I have instructed you to begin your deliberations.