

MANNER OF DELIBERATION

Members of the jury, you are free to deliberate in any manner you wish, so what I'm about to tell you is a suggestion and not an instruction. Sometimes it makes good sense not to put the case to a straw vote the moment you get to the deliberation room, because then sometimes jurors get invested in defending their vote without having had the benefit of the deliberative process. I suggest that you deliberate on this case, review any documentary evidence that you will have with you in the deliberation room, and discuss this matter with your fellow jurors before you start putting the case to a vote. As I said, that is simply a suggestion and you are free to deliberate in any manner you wish.

You are not to make any use of cellular telephones or any other personal wireless device during deliberations. Incoming or outgoing calls or other electronic communications may disrupt the deliberative process or allow for the receipt of improper extraneous information. You are not to conduct any outside research or investigation, by means of the internet or otherwise, about the law or facts of this case.

NOTE:

1. **Cellular phones and internet research during deliberations.** Judges should not allow the use of cellular telephones and other personal wireless devices during jury deliberations since they “may disrupt the deliberative process of the jury or allow for the receipt of improper extraneous information.” *Commonwealth v. Rodriguez*, 63 Mass. App. Ct. 660, 676 n.9 (2005). In addition, “given the simplicity, speed, and scope of Internet searches, allowing a juror to access with ease extraneous information about the law and the facts, trial judges are well advised to reference Internet searches specifically when they instruct jurors not to conduct their own research or investigations.” *Rodriguez*, 63 Mass. App. Ct. at 678 n.11.