

BEFORE AND AFTER SUPPLEMENTAL INSTRUCTIONS

I. BEFORE SUPPLEMENTAL INSTRUCTIONS

Members of the jury, I am about to give you some additional instructions. (In response to your question,) I am going to try to further clarify some areas of the law for you.

These new instructions are no more or less important than those I gave you originally. When you (begin) (resume) deliberations, you are to consider all of my instructions together, as a whole.

II. AFTER SUPPLEMENTAL INSTRUCTIONS

Remember, in your deliberations you are to consider all of my instructions together as a whole — those I gave you before and those I have just given you.

“Although it has been stated that ‘a judge in giving further instructions is not required to repeat all aspects of his [or her] prior charge,’ a considerable number of cases cite errors of omission in supplemental instructions as a ground for an appeal. It would be helpful to us for trial judges to adopt the following practice when giving supplemental instructions to the jury. At the beginning and again at the end of the supplemental instructions, the judge should advise the jurors that all of the instructions are to be considered as a whole and that the supplemental instructions are to be considered along with the main charge, unless, of course, the supplemental instructions are given to correct an error in the main charge” (citation omitted). *Commonwealth v. Hicks*, 22 Mass. App. Ct. 139, 144-145, 491 N.E.2d 651, 655 (1986).

See *Jury Trial Manual for Criminal Offenses Tried in the District Court* § 2.84.