

STATEMENT OF THE SUPREME JUDICIAL COURT

MODEL JURY INSTRUCTIONS ON HOMICIDE

April, 2018

The Justices of the Supreme Judicial Court approve the use of the 2018 Model Jury Instructions on Homicide (Instructions) in place of the instructions issued in March, 2013.

We recommend that the judge use the language of these Instructions, unless a different instruction would more accurately reflect new developments in the law or would better describe the law in light of the particular facts in a case. We further recommend that the judge provide jurors with a written copy of the judge's final instructions if available, or with an audio recording, or both.

A chalk entitled Requirements of Proof for Homicide is included as an appendix to the Instructions. The chalk summarizes the requirements of proof in cases of first degree murder, second degree murder, voluntary manslaughter, and involuntary manslaughter. The judge may wish to provide the chalk to jurors to use as an outline to the judge's final instructions.

The Instructions are not intended to be a comprehensive statement of the law of homicide. We recognize that these Instructions are unlikely to be the final word and will evolve with new developments in homicide jurisprudence and the experience of judges giving the Instructions.

We thank the Standing Committee on the Model Jury Instructions on Homicide for making recommendations concerning the revision of the 2013 Model Jury Instructions. We also thank those who provided comments regarding proposed revisions. We ask the Standing Committee to continue to review changes in the law, to monitor the efficacy of the Instructions in providing guidance to jurors, and to recommend further revisions as needed or warranted.