



# Supreme Court Committee on Criminal Pattern Jury Instructions Making Progress

By Timothy A. Lewis and John Hightower

The Alabama Supreme Court's Committee on Criminal Pattern Jury Instructions is publishing updated instructions on the website of the Alabama Supreme Court and State Law Library at [http://judicial.alabama.gov/library/jury\\_instructions\\_cr.cfm](http://judicial.alabama.gov/library/jury_instructions_cr.cfm).

Pattern jury instructions, whether for criminal or civil cases, are important for the fair, proper and efficient administration of justice. For many years, Alabama has had model instructions for both civil and criminal trials. The last print edition of the criminal pattern jury instructions was released in 1994, but about four years ago, the supreme court's committee began to update criminal instructions work in earnest.

As it completes revised instructions, the committee provides the instructions to the library for publication on its website. So far, there has been no interest in publishing the instructions in book form, but web publication of the instructions makes the updated instructions quickly available to courts and attorneys at a minimum cost.

Circuit Judge Virginia Vinson of Birmingham served as chair of the

committee. She indicates that if the Alabama Legislature did not pass any new criminal statutes, the committee could probably finish its work in about six to eight months. Since cessation of legislative activity is not a realistic expectation, though, the committee's work remains an ongoing project. In addition, because the committee has not completed all of its work, Judge Vinson suggests that attorneys may still need to consult the 1994 edition of the criminal pattern jury instructions for crimes not addressed by the instructions on the library's website.

Judge Vinson also indicated that the next big set of instructions to be released will concern theft. She expressed appreciation to former Montgomery County District Attorney Ellen Brooks for her assistance to the committee serving as its reporter. Judge Vinson stepped down as chair of the committee in September when she retired.

## Important Pointers about Jury Instructions from Alabama Supreme Court

"It is the preferred practice to use the pattern jury instructions in a

capital case." *Ex parte Hagood*, 777 So.2d 214, 219 (Ala.1999), cited in *Johnson v. State*, 120 So. 3d 1130, 1182 (Ala. Crim. App. 2009).

"While most pattern jury instructions may be properly used in the majority of criminal and civil cases, there may be some instances when using those pattern charges would be misleading or erroneous. In those situations, trial courts should deviate from the pattern instructions and give a jury charge that correctly reflects the law to be applied to the circumstances of the case." *Ex parte Wood*, 715 So. 2d 819, 824 (Ala. 1998). ▲

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