

APR 29 2022

PHIL McGRANE, Clerk
By BETH MASTERS
DEPUTY

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

2 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

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5 STATE OF IDAHO,)
6 Plaintiff,)
7 vs.) Case No. CR01-21-34839
8 AARON ANSON VON EHLINGER,)
9 Defendant.)
10 _____)

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12 JURY INSTRUCTIONS
13 HON. MICHAEL REARDON
14 District Judge
15 Presiding
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INSTRUCTION NO. 1

1 Now that you have been sworn as jurors to try this case, I want to go over with you what
2 will be happening. At the end of the trial I will give you more detailed guidance on how you are
3 to reach your decision.

4 Because the prosecution has the burden of proof, it goes first. After the prosecution's
5 opening statement, the defense may make an opening statement or may wait until the prosecution
6 has presented its case.

7 The prosecution will offer evidence that it says will support the charges against the
8 defendant. The defense may then present evidence but is not required to do so. If the defense
9 does present evidence, the state may then present rebuttal evidence. This is evidence offered to
10 answer the defense's evidence.

11 After you have heard all the evidence, I will give you additional instructions on the law.
12 After you have heard the instructions, the prosecution and the defense will each be given time
13 for closing arguments. In their closing arguments, they will summarize the evidence to help you
14 understand how it relates to the law. Just as the opening statements are not evidence, neither are
15 the closing arguments.

16 After the closing argument, you will leave the courtroom together to make your decision.
17 During your deliberations, you will have with you my instructions, the exhibits admitted into
18 evidence, and any notes taken by you in court.

19 You will not have with you, during deliberations, your cell phones or other electronic
20 devices. However, if there is an emergency, you can provide your friends and family with a phone
21 number to contact you through our jury commissioner's office. The bailiff will give you further
22 instruction on this.
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INSTRUCTION NO. 2

If you wish, you may take notes to help you remember what witnesses said. You should not let note-taking distract you so that you do not hear other answers by witnesses.

If you do take notes, please keep them to yourself until you and your fellow jurors begin your deliberations. When you leave at night, please leave your notes in the jury room.

If you do not take notes, you should rely on your own memory of what was said and not be overly influenced by the notes of other jurors.

In addition, you cannot assign to one person the duty of taking notes for all of you.

INSTRUCTION NO. 3

1 Your duties are to determine the facts, to apply the law set forth in the instructions to
2 those facts, and in this way to decide the case. In so doing, you must follow my instructions
3 regardless of your own opinion about what the law is or should be, or what either side may state
4 the law to be. You must consider them as a whole, not picking out one and disregarding others.
5 The order in which the instructions are given has no significance as to their relative importance.
6 The law requires that your decision be made solely upon the evidence before you. Neither
7 sympathy nor prejudice should influence you in your deliberations. Faithful performance by you
8 of these duties is vital to the administration of justice.

9 In determining the facts, you may consider only the evidence admitted in this trial. This
10 evidence consists of the testimony of the witnesses, the exhibits offered and received, and any
11 stipulated or admitted facts.

12 The production of evidence in court is governed by rules of law. At times during trial, an
13 objection may be made to a question asked a witness, or to a witness' answer, or to an exhibit.
14 This simply means that I am being asked to decide a particular rule of law. Arguments on the
15 admissibility of evidence are designed to aid the Court and are not to be considered by you nor
16 affect your deliberations. If I sustain an objection to a question or to an exhibit, the witness may
17 not answer the question or the exhibit may not be considered. Do not attempt to guess what the
18 answer might have been or what the exhibit might have shown. Similarly, if I tell you not to
19 consider a particular statement or exhibit you should put it out of your mind, and not refer to it
20 or rely on it in your later deliberations.

21 During the trial, I may have to talk with the parties about the rules of law which should
22 apply in this case. Sometimes we will talk here at the bench. At other times I will excuse you
23 from the courtroom so that you can be comfortable while we work out any problems. You are
24 not to speculate about any such discussions. They are necessary from time to time to help the
25 trial run more smoothly.

26 Some of you have probably heard the terms "circumstantial evidence," "direct evidence"
and "hearsay evidence." Do not be concerned with these terms. You are to consider all of the
evidence admitted in this trial.

1 However, the law does not require you to believe all the evidence. As the sole judges of
2 the facts, you must determine what evidence you believe and what weight you attach to it.

3 There is no magical formula by which one may evaluate testimony. You bring with you to this
4 courtroom all of the experience and background of your lives. In your everyday affairs you
5 determine for yourselves whom you believe, what you believe, and how much weight you attach
6 to what you are told. The same considerations that you use in your everyday dealings in making
7 these decisions are the considerations which you should apply in your deliberations.

8 In deciding what you believe, do not make your decision simply because more witnesses may
9 have testified one way than the other. Your job is to think about the testimony of each witness
10 you heard and decide how much you believe of what he or she had to say.

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