

MULTIPLE DEFENDANTS - SAME CHARGE

Although the defendants in this case are charged with the same or similar offenses, you must give separate consideration to each defendant. You must render a separate verdict with respect to each defendant. Each defendant is entitled to have his guilt or innocence decided from the evidence which applies to him, as if he were being tried alone.

If you find that any one defendant is guilty or not guilty, that decision should not control or influence your decision with respect to the other defendants.

Instruction 1.27

MULTIPLE INDICTMENTS - ONE DEFENDANT

Each of the indictments against this defendant constitutes a separate offense. You must consider each indictment separately and determine whether the State has proven the defendant's guilt beyond a reasonable doubt. The fact that you may find the defendant guilty or not guilty on any one of the indictments should not influence your verdict with respect to the other indictments.

Instruction 1.28

MEDIA IN THE COURTROOM

Before this trial began, I was asked to give permission for cameras to be used during the trial. I have given permission so that during the trial cameras will be permitted.

The fact that there are cameras present during this particular trial does not make this trial more important than any other trial. All criminal trials are equally important to the defendant and the community. You should not draw any inferences or any conclusions from the fact that during this particular trial, cameras are present. Now that we have begun the trial, your complete attention should be focused on the trial. You should ignore the presence of the cameras.

DEADLOCKED JURY

The verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each and every juror agree with the verdict. Your verdict must be unanimous.

It is your duty, as jurors, to consult with one another and to deliberate with a view towards reaching an agreement, if you can do so without violence to your individual judgment. Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to re-examine your views and change your opinion if you are convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or merely for the purpose of returning a verdict.

State v. Blake, 113 N.H. 115, 305 A.2d 300 (1973) (recommending the use of the ABA instruction for a deadlocked jury. See *ABA Standards Relating to Trial by Jury* 5.4).

CONSIDER ONE ANOTHER'S OPINIONS, BUT REACH YOUR OWN DECISIONS

Each juror's verdict must be his/her own and it should not be made out of a need to agree with everyone else. Yet, in order to bring twelve minds to the same decision, jurors have to respect and listen to one another's opinions honestly.

A juror who disagrees with the others, should consider whether the doubt in his mind is a reasonable one, when it makes no impression on so many jurors who are equally honest, who have heard the same evidence, and who are equally sworn to arrive at the truth. You do not have to give up a conscientious conclusion, but it is your duty to discuss it with your fellow jurors carefully and honestly. It is your duty to be absolutely just to the people of the State of New Hampshire and to _____ .

In summary then, you should remember these two rules when you disagree with other jurors:

1. Respect and consider the opinions of other jurors;
2. But in the end reach your own decision.

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