

PATTERN JURY INSTRUCTION SOFTWARE TRAINING  
BEVERLY BEAL, EMERGENCY SUPERIOR COURT JUDGE  
OCTOBER 2015 JUDGES' CONFERENCE

This set of exercises is intended to apply practical skills to the preparation of jury charges using the North Carolina Pattern Jury Instruction computer application developed by CX Corporation for the judiciary. Each user will find that this computer tool will accommodate multiple techniques for searching, assembling, editing and saving jury charges. The individual can select the techniques that appeal to his or her "style" of technology manipulation. Therefore, a minimum of detailed guidance is provided in this particular presentation.

There are five "cases" to use as exercises. The first two are more detailed, and the last three recite bare essentials. The goal is to learn the basic tasks to prepare a complete jury charge containing all the instructions needed.

CASE NO. 1:

"STATE VS KEVIN MILLER", Orange County Superior Court.

CHARGE: FELONIOUS ASSAULT INFLICTING SERIOUS BODILY INJURY ON A PROBATION OFFICER.

FACTS YOU NEED TO KNOW TO CHARGE THE JURY:

The victim (or "alleged victim?") is a probation officer in Orange County. The offense is alleged to have occurred on October 5, 2014. The defendant is a convicted felon on probation. He contends he acted in self-defense. The defense witnesses are two other probationers. A treating physician testifies for the state and renders an opinion on permanent injury.

QUICK BASIC REVIEW OF CREATING A JURY CHARGE:

1. CREATING A CRIMINAL CASE INSTRUCTION.
  - a. CREATE A QUICK PREP COLLECTION.
    - i. USE THE RIBBON TO CREATE A COLLECTION BY GIVING IT A NAME. e.g.,  
  
"State v Miller Orange AISIBodInj Prob Offr"
    - ii. ASSEMBLE THE COMPONENT INSTRUCTIONS
      1. ALTERNATIVE METHODS

- a. QUICK PREP COLLECTIONS
    - i. REPETITIVE ASSEMBLY FOR EACH COLLECTION.
    - ii. CREATE (NAME) COLLECTION
    - iii. SELECT & ADD
    - iv. SELECT & DRAG
  - b. QUICK PREP STANDARD CR COLLECTION
    - i. CREATE (NAME) COLLECTION
    - ii. SELECT & ADD
    - iii. SELECT & DRAG
2. BOOKMARKS MODEL OF STANDARD CR INSTRUCTIONS
- a. CREATE STANDARD CR MODEL
  - b. SELECT & ADD
  - c. SELECT & DRAG
3. DRAG OR ADD THE MODEL TO THE CASE QUICK PREP COLLECTION.

## SO LET'S DO IT

SEARCHING FOR THE SUBSTANTIVE INSTRUCTION:

CRIMINAL LIBRARY

208.94 ASSAULT INFLECTING [SERIOUS BODILY] [SERIOUS] INJURY ON A [[LAW ENFORCEMENT] [PROBATION] [PAROLE] OFFICER] [PERSON EMPLOYED AT A [STATE] [LOCAL] DETENTION FACILITY]. FELONY.

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CASE NO. 2:

"STATE V. HERMAN GLIMSCHER," MECKLENBURG COUNTY.

CHARGE: FELONY FAILURE TO NOTIFY LAW ENFORCEMENT OF DEATH OF CHILD OR SECRETLY BURYING CHILD.

FACTS YOU NEED TO KNOW TO CHARGE THE JURY:

Defendant was the live-in boyfriend of the mother of Tamara Starnes, age 12 when last seen on November 11, 2012. Tamara was receiving Social Security

benefits due to chronic disabling illness. Tamara's mother was also charged, and testifies for the State saying that the defendant did not like Tamara (in other words, no eye-witness testimony). Tamara's body was found in a shallow grave on property owned by defendant about 500 yards from the family's residence. She had not been seen by any person for one year prior to the discovery. Defendant and the child's mother had reported that she was visiting her grandmother in Madison County (who did not exist). The medical examiner testified that the manner of death was natural causes, approximate date November, 2012.

SUBSTANTIVE CHARGE:

CRIMINAL

239.31 CONCEALMENT OF DEATH - FAILURE TO NOTIFY LAW ENFORCEMENT OF DEATH OF CHILD OR SECRETLY BURYING CHILD. FELONY.

POINTS TO PONDER:

WHAT ABOUT CO-DEFENDANT'S TESTIMONY INSTRUCTIONS?

WHAT ABOUT CIRCUMSTANTIAL EVIDENCE INSTRUCTIONS?

WHAT ABOUT INSTRUCTION ON MOTIVE?

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FOR THE NEXT THREE CASES, THE STUDENT SHOULD BE PREPARED TO COMPOSE THE CHARGE USING "BOOKMARKS" MODELS, TITLE SEARCH METHODS AND EDITING SKILLS.

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CASE NO. 3:

"SHEILA KNEBEL V. ESTATE OF FLETCHER KNEBEL"

CIVIL

QUANTUM MERUIT CLAIM FOR SERVICES PROVIDED TO AN ELDERLY  
HOMEBOUND RELATIVE DURING THE LAST TWO YEARS OF THE LIFE OF THE  
DECEDENT.

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CASE NO. 4:

"VANCE COUNTY BOARD OF EDUCATION V. VANCE COUNTY".

BUDGET DISPUTE BETWEEN BOARD OF EDUCATION AND BOARD OF  
COUNTY COMMISSIONERS.

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CASE NO. 5:

"ESTATE OF SYDNEY MARIE SMITH V. GOOD TIME CHARLIE'S"

CIVIL MOTOR VEHICLE VOLUME.

WRONGFUL DEATH ACTION AGAINST A "DRAM SHOP" FOR THE SALE OR  
FURNISHING OF ALCOHOLIC BEVERAGE TO UNDERAGE PERSON.

