### THE NORTH CAROLINA PATTERN JURY INSTRUCTIONS COMPUTER PROGRAM

ORIENTATION FOR NEW SUPERIOR COURT JUDGES SCHOOL OF GOVERNMENT CHAPEL HILL, NC BEVERLY T. BEAL, RETIRED, EMERGENCY SUPERIOR COURT JUDGE JANUARY, 2015

### INTRODUCTION

THE PURPOSE OF THIS PRESENTATION IS TO PROVIDE INITIAL INSTRUCTION ON THE USE OF THE NORTH CAROLINA PATTERN JURY INSTRUCTIONS APPLICATION. THE PRIMARY INTENDED STUDENTS ARE NORTH CAROLINA TRIAL COURT JUDGES. THIS PRESENTATION MAY ALSO ASSIST OTHER MEMBERS OF THE JUDICIAL BRANCH OF NORTH CAROLINA GOVERNMENT IN THE PERFORMANCE OF THEIR DUTIES, SUCH AS APPELLATE DIVISION JUDGES, JUSTICES, DISTRICT ATTORNEYS, PUBLIC DEFENDERS AND JUDICIAL ASSISTANTS. ATTORNEYS AND OTHERS HAVE ACCESS TO A SIMILAR PROGRAM BY PURCHASING THE APPLICATION FROM THE ORIGINATOR, CX CORPORATION.

### LAST THINGS FIRST

- FOR TECHNICAL ASSISTANCE WITH MALFUNCTIONS: CONTACT THE HELP DESK, 24/7: 919 8902407
- FOR HELP IN THE OPERATION OF NC PJI:
  - CONSULT THE "HELP MANUAL" UNDER THE TOOLS TAB
  - CONTACT BEVERLY BEAL: <u>ncscj25a@gmail.com</u> Home: (828) 758-8664 Cell: 8283816520

### AFTER EVERY UPDATE OR RE-INDEXING PROCEDURE:

SHUT DOWN THE PROGRAM AND RESTART NC PJI.

IT IS NOT NECESSARY TO SHUT DOWN YOUR COMPUTER, JUST THE NC PJI PROGRAM.

### RE-INDEXING AND UPDATING PROCEDURE

- •DO NOT INTERRUPT RE-INDEXING OR UPDATING.
- •IF YOU DO INTERRUPT UPDATING, *RE-INDEX* •WHEN YOU RESUME.
- •ALWAYS SHUT DOWN THE PROGRAM AFTER RE-INDEXING OR UPDATING, THEN RE-OPEN.

#### WHAT IS "THE NORTH CAROLINA SUPERIOR COURT JUDGES PATTERN JURY INSTRUCTIONS?"

• Technically, NC PJI is a computer application

• Originally created in cooperation with the Pattern Jury Instruction Committee (of the NCCSCJ), the School of Government and Steve Winsett & his company, CX Corporation

- The original, and still the main, purpose, is to assist N.C. trial court Judges
- Attorneys (and the public) can purchase a version of NC PJI from CX.

• Your version is installed by the AOC.

WHAT IS "THE NORTH CAROLINA SUPERIOR COURT JUDGES PATTERN JURY INSTRUCTIONS?"

• Editorially, it is primarily a tool for composing and editing pattern jury instructions for use at a jury trial, and to facilitate the display of those instructions, either in print or projection or both, to attorneys and jurors.

• It also provides a link to the Structured Sentencing Application

### THE TRIAL JUDGE'S DUTY TO INSTRUCT THE JURY ON THE LAW

#### § 15A-1231. Jury instructions

(a) At the close of the evidence or at an earlier time directed by the judge, any party may tender written instructions. A party tendering instructions must furnish copies to the other parties at the time he tenders them to the judge.

• (c) After the arguments are completed, the judge must instruct the jury in accordance with G.S. 15A-1232.

(d) All instructions given and tendered instructions which have been refused become a part of the record. Failure to object to an erroneous instruction or to the erroneous failure to give an instruction does not constitute a waiver of the right to appeal on that error in accordance with G.S. 15A-1446(d)(13). HISTORY: 1977, c. 711, s. 1; 1983, c. 635.

### THE TRIAL JUDGE'S DUTY TO INSTRUCT THE JURY ON THE LAW

\$ 15A-1232. Jury instructions; explanation of law; opinion prohibited

In instructing the jury, the judge shall not express an opinion as to whether or not a fact has been proved and shall not be required to state, summarize or recapitulate the evidence, or to explain the application of the law to the evidence.

HISTORY: 1977, c. 711, s. 1; 1985, c. 537, s. 1.

#### THE TRIAL JUDGE'S DUTY TO INSTRUCT THE JURY ON THE LAW

#### § 15A-1234. Additional instructions:

(b) At any time the judge gives additional instructions, he may also give or repeat other instructions to avoid giving undue prominence to the additional instructions.

(c) Before the judge gives additional instructions, he must inform the parties generally of the instructions he intends to give and afford them an opportunity to be heard. The parties upon request must be permitted additional argument to the jury if the additional instructions change, by restriction or enlargement, the permissible verdicts of the jury. Otherwise, the allowance of additional argument is within the discretion of the judge.

(d) All additional instructions must be given in open court and must be made a part of the record. HISTORY: 1977, c. 711, s. 1.

#### THE TRIAL JUDGE'S DUTY TO INSTRUCT THE JURY ON THE LAW

N.C. Gen. Stat. § 1A-1, Rule 51 (2012) Instructions to jury (a) Judge to explain law but give no opinion on facts. — In charging the jury in any action governed by these rules, a judge shall not give an opinion as to whether or not a fact is fully or sufficiently proved and shall not be required to state, summarize or recapitulate the evidence, or to explain the application of the law to the evidence. If the judge undertakes to state the contentions of the parties, he shall give equal stress to the contentions of each party.

(b) Requests for special instructions. – Requests for special instructions must be in writing, entitled in the cause, and signed by the counsel or party submitting them. Such requests for special instructions must be submitted to the judge before the judge's charge to the jury is begun. The judge may, in his discretion, consider such requests regardless of the time they are made. Written requests for special instructions shall, after their submission to the judge, be filed with the clerk as a part of the record.

#### THE TRIAL JUDGE'S DUTY TO INSTRUCT THE JURY ON THE LAW

N.C. Gen. Stat. § 1A-1, Rule 51(c) Instructions to jury

Judge not to comment on verdict. -- The judge shall make no comment on any verdict in open court in the presence or hearing of any member of the jury panel; and if any judge shall make any comment as herein prohibited or shall praise or continuent be made inadvertently or intentionally, such praise, criticism or comment be made inadvertently or intentionally, such praise, criticism or comment be water of right for a continuance of any action to a time when all members of the jury panel are no longer serving. The provisions of this section shall not be applicable upon the hearing of motions for a new trial or for judgment notwithstanding the verdict.

HISTORY: 1967, c. 954, s. 1; 1985, c. 537, s. 2.

#### HISTORY: THE N.C. PATTERN JURY INSTRUCTIONS PROJECT

• The project of preparing pattern jury instructions by committees of The Conference of Superior Court Judges goes back to 1961. These charges, consisting mostly of definitions and excerpts from Supreme Court decisions, were published by the Institute of Government in 1963.

• In 1965 the North Carolina Conference of Superior Court Judges instructed the committee to proceed with the writing and publication of pattern jury instructions.

### HISTORY: THE N.C. PATTERN JURY INSTRUCTIONS PROJECT

In 1973 the first edition of North Carolina Pattern Jury Instructions was distributed to the bench, bar and public. In every year since 1973, the committee has drafted new charges and has revised existing instructions as necessitated by case law developments, statutory enactments, and requests from the bench and bar.

#### WHY CREATE AN ELECTRONIC VERSION?

PROVIDING THE JURY WITH A PRINTED COPY OF THE INSTRUCTIONS IS BECOMING THE STANDARD, RATHER THAN THE EXCEPTION.
GIVING A COPY TO THE JURY IS IN THE DISCRETION OF THE JUDGE.

• [T]he trial court has the inherent authority to submit its instructions on the law to the jury in writing. See 20 Am. Jur. 2d Courts §5 78, 79 (1965). Courts have inherent power to do everything necessary to carry out the purposes of their creation. [citation omitted.] Here, the legislature has not proscribed the trial judge's action of which defendant complains. Indeed, any legislative action attempting to limit the manner in which a trial judge instructs the jury might well offend the constitutional scheme of separation of powers. • State v. Bass, 53 N.C. App. 40; 280 S.E.2d 7 (1981), N.C. App. LEXIS 2538

### IN SUMMARY

- MODERN TECHNOLOGY HAS PROVIDED THE WORLD WITH QUICK RESEARCH AND PREPARATION DEVICES FOR VAST AMOUNTS OF INFORMATION.
- THE NC PJI PROGRAM IS A COMPACT AND EFFICIENT TOOL FOR JURY CHARGE CREATION AND STORAGE AS A SINGLE, EDITED DOCUMENT FOR EACH SPECIFIC JURY TRIAL.
- THE TRIAL JUDGE CAN MORE EASILY PROVIDE THE JURY WITH A "CLEAN" PRINTED COPY OF THE INSTRUCTIONS.
- THE SENTENCING TOOL (CREATED BY PROFESSOR JAMIE MARKHAM OF THE SOG, FUNDED THE C. FELIX HARVEY AWARD to ADVANCE INSTITUTIONAL PRIORITIES) ALLOWS QUICK APPLICATION OF THE N.C. LAW IN EACH CASE.

#### NOW, THE NUTS, BOLTS & TEST DRIVING

•THERE ARE TYPICALLY FOUR WAYS TO PERFORM ANY FUNCTION ON A COMPUTER. •USUALLY THREE OF THESE ARE EQUALLY EFFECTIVE.

•ONE IS THE WRONG WAY. •YOU CAN ALWAYS "DO OVER."



### **OPEN THE PROGRAM: THE FIRST PAGE**

 PJI LIBRARY CHOICES: SELECT THE VOLUME THAT YOU NEED THAT DAY.
 DOES YOU "STRUCTURED SENTENCING APPLICATION" BUTTON WORK?
 IF NOT, LOOK FOR THE SEPARATE ICON ON YOUR DESKTOP

▶ REPORT THE PROBLEM TO ME ... NOW !!

#### THE FOUR PRIMARY PARTS OF THE NC PJI LIBRARY

•LIBRARY (YES, I KNOW, IT SOUNDS REDUNDANT) •QUICK PREP

•TOOLS

•HELP CENTER

#### SELECT A LIBRARY OF INSTRUCTIONS

YOU WILL SEE FOUR TABS, EACH OPENING ONE THE FOLLOWING 4 PARTS:

 MAIN MENU TAKES YOU BACK TO THE FIRST SCREEN.
 NC SUPERIOR COURT LIBRARY: THE "LIBRARY VIEW"
 "QUICK PREP": CREATION AND PRESERVATION OF A JURY CHARGE
 HELP CENTER SOLVES PROBLEMS

#### THE BASIC PROCESS OF COMPOSING A JURY CHARGE USING THE NC PJI APPLICATION

THE CHARGE IS CREATED BY SELECTING INDIVIDUAL PJI'S FROM THE LIBRARY AND PLACING THEM IN A COLLECTION, PLACING THE PJI'S IN PROPER ORDER IN THE COLLECTION, AND THEN EDITING AND SAVING THE COLLECTION AS A WORD DOCUMENT.

#### NAVIGATING THE BASIC PARTS OF NC PJI TO COMPOSE THE CHARGE

• IN THE LIBRARY VIEW YOU SEE TWO WINDOW PANES:

TABLE OF CONTENTS
 QUICK PREP COLLECTION

NOTICE THE NARROW RIBBON WITH FOUR LABELS:

CONTENTS LIBRARY SEARCH BOOKMARKS QUICK PREP

FOR THE PRESENT, IGNORE ALL THE OTHER LABELS, RIBBONS, BELLS AND WHISTLES WE'LL COME TO THEM GRADUALLY

#### 1. CREATE A QUICK PREP COLLECTION

• ABOVE THE QUICK PREP LABEL SEE THE BUTTON "ADD COLLECTION"

CLICK ON IT; A DIALOGUE BOX OPENS

• ENTER INTO THE DIALOGUE BOX THE TITLE YOU HAVE CHOSEN FOR THIS PARTICULAR COLLECTION AND CLICK ON "OK"

- IT IS HELPFUL TO SELECT A TITLE BASED ON THE
  - CASE NAME,
  - CRIMINAL CHARGE OR TYPE OF CIVIL ACTION,
  - COUNTY AND/OR

DATE

### EXERCISE

CREATE A COLLECTION ENTITLED:

### DRENNAN AWDW CT OFFICER

[Defendant's name is Drennan, charge is assault on a court officer with a deadly weapon.]

#### FINDING THE CORRECT SUBSTANTIVE CHARGE

- For this exercise you will be selecting instructions directly from the library, without using search tools. We'll study those later.
   TAKE TIME TO FAMILIARIZE YOURSELF WITH THE ORGANIZATION OF THE
- CONTENTS OF THE LIBRARIES

#### EXPAND THE LIBRARY TO VIEW ITS PARTS

- OVER THE "CONTENTS" LABEL NOTICE THE "EXPAND COLLAPSE CONTENTS" BUTTON; ONE CLICK OPENS THE COMPLETE LIBRARY, DOWN TO THE INDIVIDUAL INSTRUCTIONS
- IN THE LIBRARY PANE, ARROWS IN CIRCLES WILL OPEN THE NEXT LEVEL OF CONTENTS UNDER A PART.
- SEARCH THROUGH THE INSTRUCTION TITLES.
- DOUBLE CLICK ON AN INDIVIDUAL INSTRUCTION TO VIEW IT (NOTICE THE ZOOM BAR ON THE LEFT BOTTOM OF THE SCREEN).
- CLICK ON LIBRARY BUTTON ON FAR LEFT TO RETURN TO LIBRARY VIEW.

#### 2. SELECT AN INSTRUCTION AND ADD IT TO THE COLLECTION

• VIEWING THE TITLES OF THE INSTRUCTIONS IN THE TABLE OF CONTENTS, CLICK ON THE TITLE OF THE DESIRED INSTRUCTION SO THAT IT IS HIGHLIGHTED IN BLUE

GO TO THE "ADD" BUTTON IN THE RIBBON ABOVE THE "QUICK PREP" LABEL IN THE NARROW RIBBON

NOTE WELL: THERE ARE TWO "ADD" BUTTONS. FOR NOW, YOU WANT THE ONE TO THE RIGHT, LOCATED CLOSER TO THE "QUICK PREP" LABEL BELOW. • CLICK ON "ADD." A LARGE DIALOGUE BOX OPENS; LOOK AT IT CAREFULLY; ALL COLLECTIONS YOU HAVE CREATED (THE NAMES APPEAR IN THE QUICK PREP PANE) WILL BE LISTED

- CHOOSE THE COLLECTION TO WHICH YOU WISH TO ADD THE SELECTED INSTRUCTION. CLICK "ADD TO THE SELECTED COLLECTION"

### **EXERCISE**

FIND, SELECT AND ADD **101.05 FUNCTION OF THE** JURY TO

"DRENNAN AWDW JUD OFFCL"

#### **SELECTING AN INSTRUCTION AND ADDING IT TO THE COLLECTION**

WHEN YOU ADD AN INSTRUCTION TO A COLLECTION THAT IS NOT ALREADY OPEN, THE NAMES OF THE COLLECTED INSTRUCTIONS UNDER THE COLLECTION NAME WILL APPEAR IN THE QUICK PREP COLLECTION PANE

SELECTING AN INSTRUCTION AND ADDING IT TO THE COLLECTION

## CONTINUE SELECTING AND ADDING INSTRUCTIONS

### **EXERCISE**

FOR OUR EXERCISE, NOW SELECT: **101.10** BURDEN OF PROOF AND REASONABLE DOUBT

208.02 ASSAULT ON A(N) [LEGISLATIVE] [EXECUTIVE]
 [COURT] OFFICER WITH A DEADLY WEAPON. FELONY.
 202.10 ACTING IN CONCERT

## ALTERNATE METHODS OF ADDING TO COLLECTION

- TO SELECT AN INSTRUCTION IN THE TABLE OF CONTENTS. WHEN VIEWING INSTRUCTION <u>TITLES</u>, CLICK ON "READ" ON LARGE RIBBON
- WHEN VIEWING THE INSTRUCTION <u>ITSELE</u>, GO TO THE ADD COLLECTION AND FOLLOW THE DIALOGUE BOX PROCEDURE
- WHEN VIEWING THE SELECTED INSTRUCTION <u>TITLE</u> IN THE TABLE OF CONTENTS, DRAG IT TO THE <u>COLLECTION</u> TITLE, WATCH FOR YELLOW ARROW AND DROP THE INSTRUCTION TITLE THERE

### CAUTION

NO MATTER WHICH SELECTION PROCEDURE YOU USE, THE SELECTED INSTRUCTIONS MUST APPEAR <u>UNDER</u>, AND <u>INDENTED</u> TO THE RIGHT OF, THE COLLECTION TITLE.

IF THE INSTRUCTION NAME IS NOT UNDER AND INDENTED, IT AIN'T IN THE COLLECTION !!!!

3. BUILD A PREVIEW OF YOUR JURY CHARGE

- YOUR COLLECTION IS COMPLETE
- NOW YOU NEED TO LOOK AT THE COLLECTED INSTRUCTIONS
- BUT FIRST:
- ARE THEY ALL <u>IN</u> THE COLLECTION?
- ONE MORE TIME:
- ARE THERE ARE ANY OTHER INSTRUCTIONS NEEDED? ARE THEY IN THE PROPER ORDER?

### **BUILD PREVIEW**

LAST BUTTON ON THE RIGHT : BUILD PREVIEW
CLICK ON IT
VIEW THE RESULT 4. "CLEAN UP" THE PREVIEW OF THE CHARGE

## MAKE SELECTIONS FROM THE LIST PROVIDED CLICK " PROCESS CLEAN UP" VIEW THE RESULT

# SAVING THE CHARGE AS A DOCUMENT

### IS IT TIME TO SAVE AS A DOCUMENT?

• SOME SAY "YES," SOME SAY "NO."

- AT THIS POINT YOU CAN DO EDITING OF THE CLEAN UP VERSION:
  - REMOVING OPTIONS BRACKETS,
  - EDITING GENDER PRONOUNS,
  - DELETING INAPPROPRIATE WORDS AND PHRASES IN PARENTHESIS

THEN YOU CAN SAVE THE PRODUCT AS A WORD DOCUMENT.

### IS IT TIME TO SAVE AS A DOCUMENT?

- OR YOU CAN SAVE AS A DOCUMENT NOW, AND COMPLETE EDITING AFTERWARDS
- THE SAVED DOCUMENT IS PERMANENT AND EDITING IS A FAMILIAR "WORD" METHOD
- AN INTERRUPTION IN THE EDITING OF THE CLEAN UP VERSION MAY RESULT IN LOSING IT AND THE EDITING.
- MORE INSTRUCTIONS CAN BE ADDED TO THE SAVED DOCUMENT
- ADDING INSTRUCTIONS TO THE CLEAN VERSION REQUIRES STARTING "BUILD REVIEW" AGAIN

### **RTF AND DOC DOCUMENTS**

NC PJI documents will be stored by "WORD" as RTF documents.

✤HAVE NO FEAR;

RTF's AND DOC's (and DOCX's) can live together peacefully

### EDITING THE CHARGE

REMOVE IRRELEVANT BRACKETED WORD & PHRASES
REMOVE IRRELEVANT PARENTHETICALS
ADD NECESSARY WORD & PHRASES

#### CONDUCT THE CHARGE CONFERENCE

- SHARE THE DRAFTED CHARGE WITH THE ATTORNEYS
- RULE ON OBJECTIONS
- CONSIDER REQUESTED INSTRUCTIONS
- RULE ON THE REQUESTED INSTRUCTIONS
- MAKE ANY NEEDED CHANGES TO THE CHARGE
- DISTRIBUTE COPIES OF A REVISED CHARGE

### INSTRUCT THE JURY

- PROVIDING THE JURY WITH A COPY/COPIES OF THE CHARGE IS A DISCRETIONARY ACTION BY THE TRIAL JUDGE
- CHARGE THE JURY ORALLY
- CATCH TYPOS AS YOU CHARGE THE JURY ORALLY
- JURY OUT, INQUIRE ON OBJECTIONS
- REVISE THE CHARGE TO CORRECT TYPOS OR ADD NEWLY CHARGED PORITONS
- (IF NEED BE, RE-INSTRUCT THE JURY)
- SEND THE FINAL VERSION TO THE JURY

### NOW WE STUDY THE OTHER FEATURES OF THE PROGRAM

### BETTER WAYS BY USING BELLS & WHISTLES

- SEARCHING FOR AN INSTRUCTION BY WORDS
- SEARCHING FOR AN INSTRUCTION BY DOCUMENT NUMBER
- CREATING AND USING "BOOKMARKS"
- USING NOTE WELLS AND END NOTES
- LINKS
  - IN HEADERS
  - IN NOTE WELLS
  - IN END NOTES
  - INSTRUCTION REFERENCES

### THE BIG RIBBON BUTTONS

• FOUR PARTS:

CONTENTS LIBRARY SEARCH BOOKMARKS QUICK PREP

### CONTENTS BUTTONS

LIBRARY READ SAVE COPY PRINT EXPAND/COLLAPSE CONTENTS

NOTICE THAT FUNCTIONS ARE "GRAY" IN COLOR (i.e. NOT VIVID COLOR) IF THEY ARE NOT AVAILABLE IN A MODE

TAKE A MOMENT TO OPEN EACH OF THE LIBRARIES AND STUDY EACH TABLE OF CONTENTS

LIBRARY SEARCH BUTTONS

THE "SEARCH" DIALOGUE BOX AND ITS BUTTONS



"ADD" "DELETE"

### QUICK PREP

ADD, DELETE, ADD COLLECTION, BUILD PREVIEW

SEARCHING FOR AN INSTRUCTION BY WORDS

THE SEARCH DIALOGUE BOX AND ITS BUTTONS

- •WORDS: EXERCISE: "INTEND"
- •CASE CITATIONS: EXERCISE: "309 N.C. 224"
- VIEW RESULTS
- •CHECK REFERENCES
- PRIOR
- NEXT

#### FINDING INSTRUCTION'S BY THEIR NUMBERS

- LOOK AT THE DIALOGUE BOX LABELED "TITLE NUMBER LOOKUP"
- NOTICE "NEXT" AND "PREV" BUTTONS
- ENTER AN INSTRUCTION NUMBER; THE LIBRARY SHIFTS, HIGHLIGHTS THAT NUMBER
- A SERIES NUMBER WILL PUT YOU IN THE NEIGHBORHOOD
- NEXT AND PREV WILL GIVE NAVIGATION OF THE NEIGHBORHOOD
- $\bullet$  This tool only works with pJI NUMBERS. Words don't work here.

### USING BOOKMARKS

- BOOKMARKS ALLOWS YOU TO CREATE A MINI LIBRARY OF FREE-STANDING INSTRUCTIONS AND "MODELS" OR COLLECTIONS OF OFTEN-USED INSTRUCTIONS.
- THE BOOK MARKS PANE OPENS FROM THE RIGHT, VERTICAL BAR. IT IS TOUCHY AND SOMETIMES GETS IN YOUR WAY.
- USE THE "ADD MODEL" BUTTON. IT IS SIMILAR TO THE "ADD COLLECTION" BUTTON FOR QUICK PREP.
- A MODEL MAY BE MOVED TO A QUICK PREP COLLECTION TO ADD A GROUP OF INSTRUCTIONS TO A SELECTED COLLECTION.

### USING BOOKMARKS

- ADD AN INSTRUCTION FROM THE LIBRARY TO A BOOKMARK MODEL BY USING THE "ADD" BUTTON ABOVE THE "BOOKMARKS" TITLE
- DELETE AN INSTRUCTION FROM A MODEL BY USING THE "DELETE" BUTTON ABOVE THE "BOOKMARKS" TITLE
- THESE BUTTONS FUNCTION IN A FASHION SIMILAR TO THE QUICK PREP BUTTONS

### NOTE WELLS, END NOTES, LINKS

- "NOTE WELLS" & "END NOTES" CONTAIN INSTRUCTIONS TO THE USER, SUGGESTIONS, CITATIONS TO CASES AND REFERENCES TO OTHER MATERIALS
- ENDNOTE NUMBERS IN TEXT REVEAL THE END NOTE IN A BALLOON
- THE <u>BLUE</u> PRINTED REFERENCES ARE LINKS. A CASE NAME NOT IN BLUE IS OLDER THAN CAN THE DATA BASE AVAILABLE, BUT CAN BE FOUND THROUGH THE LEXIS RESOURCE
- LINKS IN THE HEADERS AND END NOTES REQUIRE A DOUBLE CLICK. THE HAND WITH THE POINTED FINGER MUST APPEAR TO OPEN A LINK. AN ARROW WILL NOT OPEN A LINK.

#### EXERCISE ON USING LINKS IN INSTRUCTIONS

- FIND AND OPEN N.C.P.I. -CRIM 206.11
- FIND A LINK IN THE TITLE
- FIND A LINK IN A NOTE WELL
- FIND A LINK IN AN END NOTE
- LOOK AT END NOTE 10: *S. v. Jones,* 35 N.C. APP. 48 (1978). IS IT A LINK?

### INSTRUCTION REFERENCES

NO MATTER HOW YOU GET THERE, IF YOU ARE READING AN INSTRUCTION, YOU CAN ACCESS THE INSTRUCTION REFERENCES

CLICK ON THE VERTICAL BAR TO THE RIGHT

A LIST OF STATUTE CITATIONS AND OTHER PJI'S WILL APPEAR. THE ITEMS ON THIS LIST ARE REFERRED TO SOMEWHERE IN THE INSTRUCTION YOU ARE READING.

BELOW THE LIST OF REFERENCES IS A SEPARATE LIST, "ATTACHMENTS TO THIS INSTRUCTION."

EXERCISE: OPEN P.J.I. - CR 206.14.

### EXERCISE

YOU NEED LEMON LAW INSTRUCTIONS.

OPEN THE CIVIL VOLUME.

ENTER THE WORD "LEMON" IN THE SEARCH DIALOGUE BOX OPEN 745.07.

OPEN THE INSTRUCTION REFERENCES, VIEW THE ATTACHMENTS LISTED. CLICK ON "LIBRARY" TO OPEN TABLE OF CONTENTS.

LOOK AT TABLE OF CONTENTS. UNDER THE INSTRUCTION (745.07) SEE ADDITIONAL LISTINGS, "745.07 FORMULA...."

DOUBLE CLICK ON THE ADDITIONAL LISTING. COPYING, PASTING & PRINTING IS POSSIBLE.

### ADVANCED SEARCH EXERCISE

THE STATE HAS CHARGED LOWELL OWSLEY WITH KIDNAPPING UNDER N.C. G.S. 14-39.

THE STATE CONTENDS THAT PJI –CR 210.26 APPLIES TO THE INDICTMENT.

YOU ARE DUBIOUS, WONDERING IF THAT SAME STATUTE COVERS OTHER CRIMES, OR FACT CIRCUMSTANCES.

HOW CAN YOU FIND A LIST OF ALL THE PJI'S THAT REFER THAT STATUTE?

### EXERCISE ON LISTS OF REFERENCES

- OPEN PJI –CR 210.26.
- LOOK AT INSTRUCTION REFERENCES.
- DOUBLE ON G.S. 14-39 IN THAT LIST.
- A LIST WILL APPEAR OF ALL INSTRUCTIONS REFERRING TO 14-39.
- DOUBLE CLICK ON EACH INSTRUCTION TITLE IN THAT LIST TO COMPARE EACH WITH 210.26.
- TO RETURN TO THE LIST, OPEN INSTRUCTION REFERENCES AT EACH OF THE INSTRUCTIONS VIEWED, AND DOUBLE CLICK ON 14-39 AGAIN.

### "HISTORY" SLIDE OUT

"HISTORY" PROVIDES A LIST OF ALL INSTRUCTIONS VIEWED DURING THAT COMPUTER SESSION. THIS IS A SHORTCUT TO RETURN TO PREVIOUSLY VIEWED INSTRUCTIONS.

### STRUCTURED SENTENCING APPLICATION

- •YOUR DESKTOP SHOULD SHOW ANOTHER ICON, SPECIFICALLY FOR "NC SENTENCING."
- •IF THE LINK IN THE NC PJI APP DOES NOT FUNCTION, GO DIRECTLY TO THE NC SENTENCING ICON.

### IN CONCLUSION

HERE ARE COMMENTS IN A RECENT CASE FROM THE SUPREME COURT OF NORHT CAROLINA:

### STATE V WALSTON

North Carolina Supreme Court No. 392PA13, Filed 19 December 2014

Justice Newby: The jury charge is one of the most critical parts of a criminal trial. "Pattern" jury instructions have existed for years, compiled as trial court judges individually developed effective, appeals-tested instructions and informally shared them with each other. 1 N.C.P.L.-Crim. Intro. 3-4 (2014). That process was formalized in North Carolina in the 1960s when the North Carolina Conference of Superior Court Judges appointed a committee of trial court judges to systematically draft pattern jury instructions to be used across the state. Id. at 4. The first edition of the North Carolina Pattern Jury Instructions was published for public use in 1973. Id. at 5. Since then, subsequent committees have continued the meticulous work of refining and case law. Id.

#### STATE V WALSTON

Though the pattern instructions have "neither the force nor the effect of law," State v. Warren, 348 N.C. 80, 119, 499 S.E.2d 431, 453, cert. denied, 525 U.S. 915, 119 S. Ct. 263, 142 L. Ed. 2d 216 (1998), we have often approved of jury instructions that are consistent with the pattern instructions, see, e.g., State v. Steen, 352 N.C. 227, 275, 536 S.E.2d 1, 29 (2000) (approving of jury instructions that followed the pattern instructions "almost verbatim"), cert. denied, 531 U.S. 1167, 121 S. Ct. 1131, 148 L. Ed. 2d 997 (2001); State v. DeCastro, 342 N.C. 667, 693, 467 S.E.2d 653, 666 (holding that instructions "virtually identical" to the pattern jury instructions were a correct statement of the law), cert. denied, 519 U.S. 896, 117 S. Ct. 241, 136 L. Ed. 2d 170 (1996).

### STATE V WALSTON

Those holdings reflect the continual efforts of the pattern jury instructions committees to draft instructions consistent with "the long-standing, published understanding" of our case law and statutes. Stark v. Ford Motor Co., 365 N.C. 468, 478, 723 S.E.2d 753, 760 (2012). That being said, in giving jury instructions, "the court is not required to follow any particular form," as long as the instruction adequately explains "each essential element of the offense." State v. Avery, 315 N.C. 1, 31, 337 S.E.2d 786, 803 (1985) (citation and quotation marks omitted).