

1.01A

Preliminary Cautionary Instructions Before Opening Statements

[1] Members of the jury, the trial is about to commence, and I now will instruct you as to the law regarding some of your duties during trial and deliberations.

[2] You should not do any independent investigation or research on any subject or person relating to the case. What you may have seen or heard outside the courtroom is not evidence. This includes any press, radio, or television programs and it also includes any information available on the Internet. Such programs, reports, and information are not evidence and your verdict must not be influenced in any way by such material.

[3] For example, you must not use the Internet, including [(Google) (Wikipedia) (insert current examples)], or any other sources that you might otherwise use, to search for any information about the case, or the law which applies to the case, or the people involved in the case, including the defendant, witnesses, lawyers, and judge.

[4] During the course of the trial, do not communicate with, provide information personally, in writing, or electronically to anyone about this case — not even your own families or friends, courtroom personnel, and also not even among yourselves until instructed otherwise.

[5] You must not provide any information about the case to anyone by any means at all, and this includes posting information about the case, or your thoughts about it, on any device or Internet site, including [(blogs) (chat rooms) or (insert current examples)], or any social networking websites, such as [(Twitter) (Facebook) or (insert current examples)], or any other means.

[6] You cannot use any electronic devices or services to communicate about this case, including [(cellphones) (smartphones) (laptops) (the Internet) (insert current examples)] and any other tools of technology. The use of any such devices or services in connection with your duties is prohibited.

[7] Lawyers, parties, and witnesses are not permitted to speak with you about any subject, even if unrelated to this case, until after the case is over and you are discharged from your duties as jurors.

Committee Note

Read this Instruction prior to opening statements. Submit this Instruction in writing along with the other instructions at the end of the trial.

The Committee strongly encourages judges to remind the jurors before breaks and at the beginning and end of each day of trial that they are prohibited from researching the case on the Internet (including, but not limited to, an admonition that the jurors are not to view any location relevant to the trial by electronic means or visiting the site in person) and prohibited from

communicating about the case by any means, including, but not limited to, social media. A judge should mention various types of social media if the judge concludes that it is warranted.

The Committee has added new language and bracketed material to paragraph [3], added paragraphs [5] and [6], and renumbered former paragraph [5] as paragraph [7], to emphasize the types of Internet activity and electronic communications that are prohibited.

A jury or juror may not conduct experiments or view extraneous information not offered into evidence that will have the effect of putting them in possession of evidence not offered at trial. *People v. Holmes*, 69 Ill.3d 507 (1978); *People v. White*, 365 Ill. 499, 514, 6 N.E.2d 1015 (1937).

“[P]rivate communications, possibly prejudicial, between jurors and third persons, or witnesses, or the officer in charge, are absolutely forbidden, and invalidate the verdict, at least unless their harmlessness is made to appear.” *People v. Hopley*, 182 Ill.2d 404, 459 (1998) quoting *Mattox v. United States*, 146 U.S. 140, 150 (1898).

Use appropriate bracketed material.

The brackets and numbers are provided solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.