

## 1.01

### The Functions Of The Court And The Jury

[1] Members of the jury, the evidence and arguments in this case have been completed, and I now will instruct you as to the law.

[2] The law that applies to this case is stated in these instructions, and it is your duty to follow all of them. You must not single out certain instructions and disregard others. [When I use the word “he” in these instructions, I mean a male or a female.]

[3] It is your duty to determine the facts and to determine them only from the evidence in this case. You are to apply the law to the facts and in this way decide the case.

[4] You are not to concern yourself with possible punishment or sentence for the offense charged during your deliberation. It is the function of the trial judge to determine the sentence should there be a verdict of guilty.

[5] Neither sympathy nor prejudice should influence you. You should not be biased in favor or against any person because of that person’s race, ethnicity, national ancestry, religion, gender, sexual orientation, age, disability, or socioeconomic status.

[6] From time to time it has been the duty of the court to rule on the admissibility of evidence. You should not concern yourselves with the reasons for these rulings. You should disregard questions [and exhibits] which were withdrawn or to which objections were sustained.

[7] [Any evidence that was received for a limited purpose should not be considered by you for any other purpose.]

[8] You should disregard testimony [and exhibits] which the court has refused or stricken.

[9] The evidence which you should consider consists only of the testimony of the witnesses [and (the exhibits) (and) (stipulations) (and) (judicially noticed facts)] which the court has received. [You may, but are not required to, accept as conclusive any fact judicially noticed.]

[10] You should consider all the evidence in the light of your own observations and experience in life.

[11] We all have feelings, assumptions, perceptions, fears, and stereotypes about others. Some biases we are aware of and others we might not be fully aware of, which is why they are called “implicit biases” or “unconscious biases.”

[12] Our biases often affect how we act, favorably or unfavorably, toward someone. Biases also can affect our thoughts, how we remember, what we see and hear, whom we believe or disbelieve, and how we make important decisions.

[13] As jurors you are being asked to make important decisions in this case. You must resist jumping to conclusions based on personal likes or dislikes. You must not let bias, prejudice, or public opinion influence your decision.

[14] Neither by these instructions nor by any ruling or remark which I have made do I mean to indicate any opinion as to the facts or as to what your verdict should be.

[15] Faithful performance by you of your duties as jurors is vital to the administration of justice.

### **Committee Note**

The Committee has added the bracketed material in paragraph [2], and paragraph [9] to be used when applicable.

The Committee has substituted the word “ethnicity” for the word “color” and added “age”, “disability” and “socioeconomic status” to the second sentence of paragraph [5].

The Committee has added brackets to paragraph [7] because limiting instructions are not given in every case. Use paragraph [7] only when a limiting instruction has been given.

The Committee had added “stipulations” and “judicially notice facts” in paragraph [9] as types of evidence a jury should consider during the course of its deliberations. In Illinois Rule of Evidence 201(g), the Illinois Supreme Court stated, “In a criminal case, the court shall inform the jury that it may, but is not required to, accept as conclusive any fact judicially noticed”. The second sentence in Paragraph [9] has been added so that this Instruction complies with Rule 201(g).

The Committee has made amendments and added new language to incorporate Instruction 1.01B on implicit bias in paragraphs [5], [11], [12] and [13], and renumbered previous paragraphs [11] and [12] as [14] and [15]. The Committee recommends that the language in paragraphs [5], [11], [12] and [13] be given in all cases.

Use applicable paragraphs and 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.