

### 3.24 Stipulations

You are now about to hear a stipulation. A stipulation is an agreement between the parties

[as to the existence of certain facts. You should consider this evidence in the same manner as all the other evidence in the case.]

[or]

[that if \_\_\_\_\_ were called to testify, [(he) (she)] would testify as set forth in the stipulation. You should consider this testimony in the same manner as if \_\_\_\_\_ were here in court, testifying under oath.]

#### Committee Note

This instruction should be given before a stipulation is read to the jury. The Committee suggests that, prior to trial, the court should address with counsel the best manner to present the stipulation to the jury. Because evidence received by way of a stipulation is included in Instruction 1.01, this instruction should not be given with the final instructions to the jury.

A stipulation is an agreement between the parties with respect to an issue before the court. *People v. Woods*, 214 Ill. 2d 455, 468 (2005). Stipulations function as a substitute for proof that dispenses with the need for additional evidence. *Id.* A stipulation is conclusive as to all matters included in it, and no additional proof of the stipulated facts is necessary. *People v. Gray*, 2024 IL 127815, ¶ 26. In other words, a stipulation satisfies the parties' obligation to prove the agreed upon matters. *Gray*, 2024 IL 127815, ¶ 27. Although stipulations may bind the parties and relieve them of the burden of proving stipulated facts or testimony, "stipulations do not bind the jury, and jurors may accept or reject them." *State v. Allen*, 223 Ariz. 125, 127 (2009).

Except in specific instances where the stipulation is tantamount to a guilty plea, neither the trial court nor counsel has an obligation to admonish the defendant regarding the stipulation and ensure that the advisement is made a part of the record. *People v. Clendenin*, 238 Ill. 2d 302, 320 (2010).

Insert the name of the person testifying via stipulation in the blank.

Use applicable bracketed material.