

COLORADO
JURY INSTRUCTIONS
—
CRIMINAL
2024 Edition

Model Criminal Jury
Instructions Committee
of the Colorado Supreme Court

Volume 1



For Customer Assistance Call 1-800-328-4880

Mat #43274856

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

ISBN 978-1-668-78803-5

WHAT'S NEW IN THE 2024 EDITION

COLJI-Crim. contains expanded Comments, revisions based on 2023 legislation, corrections to substantive errors that appeared in the prior COLJI-Crim., and corrections to non-substantive formatting irregularities. The Committee has highlighted each substantive revision by means of the “+” symbol (which can be used as a search term by those who wish to survey the most recent revisions). However, the Committee has not highlighted formatting revisions that are inconsequential. Furthermore, the Committee has removed the “+” symbol that appeared in the prior year’s notations, but it has retained the comment explaining prior changes for clarity.

Where the text of a model instruction has been altered, the “+” symbol appears at the point of the revision, and again in the new separate Comment which explains the change.

Where a Comment has been added, corrected, or significantly expanded, the “+” symbol appears at the point of the revision, and again in the new separate Comment which explains the reason for the change.

**COLORADO SUPREME COURT
MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE**

CHAIR

Hon. Carlos Samour, Jr., Justice, Colorado Supreme Court

VICE-CHAIRS

Hon. Rebecca R. Freyre, Judge, Colorado Court of Appeals

Hon. Ted C. Tow, III, Judge, Colorado Court of Appeals

MEMBERS

Hon. Susan Blanco, Chief Judge, Eighth Judicial District

Hon. Caryn A. Datz, Judge, Seventeenth Judicial District

Hon. Mark Randall, Judge, First Judicial District

Hon. Karl L. Schock, Judge, Colorado Court of Appeals

REPORTER

Jeremy A. Beck, Staff Attorney, Colorado Supreme Court

FORMER MEMBERS

Hon. Nathan B. Coats, Justice, Colorado Supreme Court

Hon. John Daniel Dailey, Judge, Colorado Court of Appeals

Hon. Nancy J. Lichtenstein, Judge, Colorado Court of Appeals

Hon. Christie Bachmeyer, Judge, First Judicial District

Hon. Bradley Allen Burback, Judge, First Judicial District

Hon. Martin F. Egelhoff, Judge, Second Judicial District

Hon. David A. Gilbert, Judge, Fourth Judicial District

Hon. Charles R. Greenacre, Senior Judge

Hon. Gregory M. Lammons, Judge, Eighth Judicial District

Hon. Catherine A. Lemon, Judge, Second Judicial District

Hon. Valerie J. Robison, Judge, Twenty-First Judicial District

Hon. Karen A. Romeo, Judge, Fifth Judicial District

Hon. Dinsmore Tuttle, Senior Judge

Hon. Mark D. Warner, Judge, Seventeenth Judicial District

Andrew J. Field, Staff Attorney, Colorado Supreme Court

Penny Wagner, Court Services Analyst, Office of the State Court
Administrator

COLORADO SUPREME COURT

ORDER

WHEREAS, the Colorado Supreme Court Model Criminal Jury Instructions Committee has formulated instructions concerning criminal cases necessitated by numerous amendments to the statutes of the State of Colorado since the previous edition of these instructions was published; and

WHEREAS, the Chair of the Committee has regularly informed the Court of the Committee's work;

NOW, THEREFORE, IT IS ORDERED that these jury instructions and comments are approved by this Court for use in jury trials in criminal cases in the State of Colorado, subject to the following qualifications:

These instructions are intended as guidelines and should be used in cases in which they are applicable. The Court does not specifically approve any of these instructions not yet tested in an adversary proceeding. They are not intended to be a complete set of instructions for each case and additional or different instructions may be required depending on the issues of fact and law presented at the trial. Until these instructions are tested in adversary proceedings, they are approved in principle.

DONE and signed this 1st day of September, 2014.

COLORADO SUPREME COURT

By 
Nancy E. Rice, Chief Justice

**SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE
ORDER
Concerning the Reauthorization of the Model Criminal
Jury Instructions Committee of the Colorado Supreme
Court**

I hereby reauthorize the Model Criminal Jury Instructions Committee and charge it with periodically reviewing, correcting, updating, and improving Colorado Jury Instructions—Criminal.

I reappoint Justice Carlos Samour, Jr. as Chair; Judge John Daniel Dailey and Judge Rebecca R. Freyre as Vice-Chairs; and Judge Martin F. Egelhoff, Senior Judge Charles R. Greenacre, Judge Mark Randall, Judge Karen A. Romeo, and Senior Judge P. Dinsmore Tuttle as Members.

This Order shall apply retroactively to October 1, 2018, and shall remain in force until otherwise suspended by a superseding order from the Chief Justice.

DONE and signed this 8th day of August, 2019.

COLORADO SUPREME COURT
By Nathan B. Coats, Chief Justice

PREFACE

In 2011, then-Chief Justice Michael L. Bender established the Colorado Supreme Court's Model Criminal Jury Instructions Committee (the Committee) and charged it with publishing an updated edition of COLJI-Crim. The Committee thanks the former Chief Justice for providing the Committee with the staff and other resources necessary to accomplish this sizeable undertaking. The Committee is equally grateful to former Chief Justice Nancy E. Rice, former Chief Justice Nathan B. Coats, former Chief Justice Brian D. Boatright, and current Chief Justice Monica M. Márquez, who all continued this support during their respective tenures.

The Committee has endeavored to draft model instructions that accurately state the law in neutral language. However, the precise format and wording for instructions and verdict forms have never been mandated as a matter of positive law in Colorado, and this publication is neither a restatement nor a comprehensive summary of the law.

The comments that follow the instructions include references to relevant legal authorities, cross-references to other instructions, and directions for addressing alternative scenarios. These comments include citations to relevant decisions of the United States Supreme Court and the Colorado Supreme Court that were announced prior to publication of this volume, as well as relevant decisions of the Colorado Court of Appeals that became final prior to publication (i.e., cases for which a mandate issued).

The Committee's drafting protocols are explained in greater detail in Chapter A (General Directions For Use of COLJI-Crim.), which includes a section with several search tips.

The Committee intends to keep these jury instructions current by periodically publishing new editions or supplements. During the periods between these formal publications, the Committee Reporter will post online summaries of developments in the law related to criminal jury instructions based on legislative changes and decisions of the United States Supreme Court, the Colorado Supreme Court, and the Colorado Court of Appeals. This list, which will be captioned as the "Reporter's Online Update," will be available on the Committee's web page.

Although the Committee expects that the Reporter's Online Update will be a valuable research tool, the Committee emphasizes that it will be an informal publication that is not subject to review by the Committee. Thus, users should not assume that the Committee will make modifications based on information

that appears in the Reporter's Online Update.

In addition to these interim summaries of developments in the law related to criminal jury instructions, the Reporter's Online Update will include notations documenting any errors that the Reporter learns of subsequent to publication. Accordingly, the Committee encourages users to alert the Reporter of errors at mcjic@judicial.state.co.us However, here again, users should not assume that the Committee will make modifications based on recommended corrections that may appear in the Reporter's Online Update.

The Committee invites users to submit recommendations for substantive improvements to the Reporter at the above e-mail address. Although such submissions will not be posted online as part of the Reporter's Online Update, the Reporter will present all suggestions to the Committee for consideration.

Finally, the Committee wishes to express its appreciation for the suggestions of the Plain Language Jury Instructions Committee, a subcommittee of the Colorado Supreme Court's Jury System Standing Committee: Judge James B. Breese (Chair), former Chief Justice Michael L. Bender, Justice Brian D. Boatright, Judge Catherine A. Lemon, Judge Tamara S. Russell, Ruth Falkenberg, Jay S. Grant, Esq., Robert S. Grant, Esq., Thomas J. Hammond, Esq., Professor Timothy Hurley, Professor Anthony Lozano, Miles Madorin, Esq., Penny McPherson, Blake Renner, Esq., Marjorie Seawell, and Penny Wagner.

In addition, the Committee thanks: Weld County Court Judge Dana Nichols and Diane Balkin, Esq. (who collaborated to review a preliminary draft of Chapter 9-2 (Cruelty to Animals)); Christopher T. Ryan, Clerk of the Colorado Supreme Court, and staff (who provided the Committee with administrative and logistical support); Daniel Cordova, Supreme Court Law Librarian, and staff (who assisted the Committee with research); Bryan Lopez (who provided the cover photograph); Andrea Cole, Joan Cordutsky, Joseph DeStafney, Kristin Marburg, Melissa McClure, Catherine McDaugale, Sandy Mills, David Steiner, and J.J. Wallace, Associate Staff Attorneys for the Colorado Court of Appeals (who helped proofread the manuscript); Jenny Moore, Rules Research Attorney for the Colorado Supreme Court (who also helped proofread the manuscript); and Christine Kreger, of the Colorado State Library (who provided technical assistance).



THOMSON REUTERS
WESTLAW™

MOST PREFERRED ONLINE LEGAL RESEARCH SERVICE

Thomson Reuters Westlaw has been voted the #1 Best Online Legal Research vendor year-after-year by industry professionals. That's because we continually invest more than any other online legal research provider in our people and technology where it matters most. As a result, you find exactly what you need quickly and confidently.

- Build the strongest argument with the most comprehensive collection of legal content
- Deliver better results confidently with WestSearch®, the only search engine designed specifically for the law
- Rely on the most current version of the law with proprietary editorial enhancements
- Access your legal research anytime, anywhere with the free Westlaw apps

LEARN MORE: legal.thomsonreuters.com

SIGN ON: westlaw.com

24/7 REFERENCE ATTORNEYS: 1-800-REF-ATTY (733-2889)

THOMSON REUTERS PROVIEW™

This title is one of many now available on your tablet as an eBook.

Take your research mobile. Powered by the Thomson Reuters ProView™ app, our eBooks deliver the same trusted content as your print resources, but in a compact, on-the-go format.

ProView eBooks are designed for the way you work. You can add your own notes and highlights to the text, and all of your annotations will transfer electronically to every new edition of your eBook.

You can also instantly verify primary authority with built-in links to WestlawNext® and KeyCite®, so you can be confident that you're accessing the most current and accurate information.

To find out more about ProView eBooks and available discounts, call 1-800-328-9352.