

**TILLY CIRCUIT COURT
POLK COUNTY, TILLY**

STATE OF TILLY

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CASE NO: CV 23-24601

*

v.

*

JAY KUANG

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Defendant

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JURY INSTRUCTIONS (FIRST-DEGREE MURDER)

The defendant, Jay Kuang, is charged with first-degree murder in violation of § 15A-187 of the Tilly Penal Code. You must find the defendant not guilty unless you find that the government has proven beyond a reasonable doubt that the defendant is guilty of first-degree murder as set forth in Instruction No. 1.

INSTRUCTION NO. 1: FIRST-DEGREE MURDER

You will find the defendant, Jay Kuang, guilty if, and only if, the government has proven beyond a reasonable doubt all of the following:

- A. The defendant acted purposely or knowingly;
- B. The defendant engaged in conduct that caused the deaths of Rao Maloney, Chad Shapiro, and Emily Debnath.

INSTRUCTION NO. 2: STATE OF MIND DEFINITIONS

- A. Purpose: A person acts purposefully (intentionally) if he or she acts with the intent that his/her action causes a certain result. In other words, a defendant undertakes his/her action either intending for, or hoping that, a certain result will occur.
- B. Knowledge: A person acts knowingly if he or she is aware that his/her conduct will result in a certain outcome. In other words, a defendant acts knowingly if he or she is aware that it is practically certain that his/her conduct will cause a specific result.

INSTRUCTION NO. 3: PRESUMPTION OF INNOCENCE

The law presumes a defendant to be innocent of a crime, and the indictment shall not be considered as evidence or as having any weight against the defendant. You shall find the defendant not guilty unless you are satisfied from the evidence alone and beyond a reasonable doubt that the defendant is guilty. If upon the whole case you have a reasonable doubt as to guilt, you must find the defendant not guilty.

INSTRUCTION NO. 4: RIGHT TO REMAIN SILENT

The defendant is not required to testify, and the fact that a defendant does not testify cannot be used as an inference of guilt. If, however, a defendant does testify, you shall judge the defendant's credibility as you would any other witness.

INSTRUCTION NO. 5: ARGUMENTS AND REMARKS OF COUNSEL

Remarks of the attorneys are not evidence. If the remarks suggest certain facts not in evidence, disregard those remarks. However, you are to consider carefully the closing arguments of the attorneys. Ultimately you must draw your own conclusions and decide your verdict according to the evidence, under the instructions given to you by the court.

INSTRUCTION NO. 6: CREDIBILITY OF WITNESSES

It is the duty of the jury to scrutinize and weigh the testimony of witnesses and to determine the effect of the evidence as a whole. You are the sole judges of the credibility, that is, the believability, of the witnesses and of the weight to be given to their testimony. In determining the credibility of each witness and the weight to give the testimony of each witness, consider these factors:

- A. whether the witness has an interest or lack of interest in the result of this trial;
- B. the witness's conduct, appearance, and demeanor on the witness stand;
- C. the clearness or lack of clearness of the witness's recollections;
- D. the opportunity the witness had for observing and for knowing the matters the witness testified about;
- E. the reasonableness of the witness's testimony;

- F. the apparent intelligence of the witness;
- G. bias or prejudice, if any has been shown;
- H. possible motives for falsifying testimony; and
- I. all other facts and circumstances during the trial which tend either to support or to discredit the testimony.

Then give to the testimony of each witness the weight you believe it should receive. There is no predetermined way for you to evaluate the testimony; instead, you should use your common sense and experience.

INSTRUCTION NO. 7: EVIDENCE; INTERPRETING EVIDENCE

When making your decision, you may rely on both direct and circumstantial evidence. Direct evidence is testimony by a witness about what that witness personally did, saw, or heard. Circumstantial evidence is indirect evidence from which the fact finder may infer that another fact is true. Neither type of evidence should be given categorically more weight than the other.

The State's burden of proving its case beyond a reasonable doubt applies to each and every element of the crime charged. This burden, however, does not operate on the many subordinate, evidentiary, or incidental facts as distinguished from proof of the elements of the crime or of an ultimate fact. Where, however, the State relies in whole or in part on circumstantial evidence to prove an element of a crime, although each link in the chain of evidence need not be proven beyond a reasonable doubt, the cumulative impact of that evidence must, in order to support that inference, convince the finder of fact beyond a reasonable doubt that the element has been proven.

INSTRUCTION NO. 8: UNANIMOUS VERDICT

The verdict of the Jury must be unanimous as to guilty or not guilty, and be signed by one of you as Foreperson.